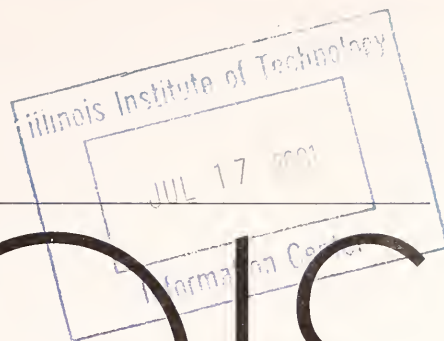


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July 13, 2001

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standard Procurement

2) Code Citation: 44 Ill. Adm. Code 1120

3) Section Number:
1120.2570 New Section
1120.4550 New Section

4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].

5) A Complete Description of the Subjects and Issues Involved: The proposed rules codify an affirmative action plan for contracts awarded by the Office of the Comptroller. The rules require all Office of the Comptroller vendors and bidders to refrain from unlawful discrimination and to take affirmative action to eliminate the effects of past discrimination. The rules specify an equal opportunity clause to be inserted in each contract. Further, the rules establish the goal that not less than 5% of the dollar amount of Office of the Comptroller contracts be awarded to businesses owned by minorities, 5% to female businesses, and 2% to businesses owned by persons with disabilities.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no adverse impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of this publication to:

Charles Schmadeke, General Counsel
Illinois Office of the Comptroller
201 Statehouse
Springfield IL 62706
217-782-6000

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules are applicable to small

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

businesses and not for profit corporations that may respond to requests for proposals, submit bids, or contract with the Office of the Comptroller. The proposed rules are consistent with existing law and regulations in this area.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rules require small businesses, small municipalities and not for profit corporations that respond to requests for proposals, submit bids, or contract with the Office of the Comptroller to undertake certain actions in order to ensure equal employment opportunities in public contracts. The proposed rules require reporting and bookkeeping consistent with that required by existing law and regulations governing small businesses, small municipalities and not for profit corporations that respond to requests for proposals, submit bids, or contract with other State agencies.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agenda because: its adoption was contemplated too late for inclusion in the most recent Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page.

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS AND PROPERTY
 SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
 CHAPTER XIV: COMPTROLLER

PART 1120

STANDARD PROCUREMENT

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 1120.08 Illinois Procurement Code
 1120.10 Application
 1120.15 Definitions of Terms Used in this Part
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 1120.2036 Other Methods of Source Selection
 1120.2037 Tie Bids and Proposals

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SUBPART J: DURATION OF CONTRACTS

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 1120.2560 Prevailing Wage
1120.2570 Equal Employment Opportunity: Affirmative Action

SUBPART L: CONTRACT PRICING

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SUBPART M: CONSTRUCTION AND CONSTRUCTION-RELATED PROFESSIONAL SERVICES

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SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

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1120.6520 No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
1120.7000 Severability
1120.7010 Government Furnished Property
1120.7015 Inspections
1120.7020 Records and Audits
1120.7025 Written Determinations
1120.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 1-30 of the Illinois Procurement Code [30 ILCS 500/1-30].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12087, effective July 1, 1998, for a maximum of 150 days; emergency expired November 27, 1998; adopted at 23 Ill. Reg. 858, effective January 8, 1999; amended at 25 Ill. Reg. _____, effective _____.

SUBPART K: CONTRACT MATTERS

Section 1120.2570 Equal Employment Opportunity: Affirmative Action

- a) Every party to a public contract and every eligible bidder shall:
- 1) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;
 - 2) Comply with the procedures and requirements of the Department of Human Rights' regulations concerning equal employment opportunities and affirmative action;
 - 3) Provide such information with respect to its employees and applicants for employment and assistance as the Department of Human Rights may reasonably request;
 - 4) Have written sexual harassment policies that include, at a minimum, the following information:
 - A) the illegality of sexual harassment;
 - B) the definition of sexual harassment under State law;
 - C) a description of sexual harassment, utilizing examples;
 - D) the vendor's internal complaint process, including penalties;
 - E) the legal recourse, investigation and complaint processes available through the Department of Human Rights and the Human Rights Commission;
 - F) directions on how to contact the Department of Human Rights and the Human Rights Commission;
 - G) protection against retaliation as provided by Section 6-102

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of the Illinois Human Rights Act [775 ILCS 5/6-102]. A copy of the policies shall be provided to the Department of Human Rights upon request.

- b) Section 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-105(A)] authorizes the Department of Human Rights to promulgate policies, rules, and regulations to implement the provisions of the Illinois Human Rights Act applicable to eligible bidders and public contractors. The Department of Human Rights has promulgated rules (44 Ill. Adm. Code 750) that establish public contractor and eligible bidder duties, obligations, and reporting requirements. 44 Ill. Adm. Code 750.210 requires certain employers to register with the Department of Human Rights in order to be eligible for the award of certain public contracts.

- c) Every contract entered into or awarded by the IOC shall include the following provision:

EQUAL EMPLOYMENT OPPORTUNITY

In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act, or the Rules and Regulations of the Illinois Department of Human Rights (Department), the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

- 1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization:

- 2) That, if it hires additional employees in order to perform this contract or any portion thereof, it will determine the availability (in accordance with the Department's Rules) of minorities and women in the areas from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.

- 3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability,

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NOTICE OF PROPOSED AMENDMENTS

- 4) or an unfavorable discharge from military service; That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining agreement or understanding a notice advising such labor organization or representative of the contractor's obligations under the Illinois Human Rights Act and the Department's Rules. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules, the contractor will promptly so notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder;

- 5) That it will submit reports as required by the Department's Rules, furnish all relevant information as may from time to time be requested by the Department or contracting agency, and in all respects comply with the Illinois Human Rights Act and the Department's Rules;

- 6) That it will permit access to all relevant books, records, accounts, and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Department's Rules; and

- 7) That it will include verbatim or by reference the provisions of this clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by such subcontractors; and, further, it will promptly notify the Office of the Comptroller and the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

(Source: Added at 25 Ill. Reg. _____, effective _____)

SUBPART O: PREFERENCES

Section 1120-4550 Contracting with Business Owned and Controlled by Minorities, Females, and Persons with Disabilities

- a) The Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575] (Act) sets a goal (minimum 12%) for contracting with businesses owned by minorities, females, or persons

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

with disabilities.

b) The IOC hereby establishes a goal that at least 12% of the dollar amount of contracts be awarded to businesses owned by minorities, females, or persons with disabilities. Of that 12%, 5% shall be for female-owned businesses, 2% for businesses owned by persons with disabilities and not-for-profit entities for the disabled, and the remaining 5% for minority-owned businesses, unless these amounts are modified by the Business Enterprise Council for Minorities, Females, and Persons with Disabilities created under Section 5 of the Act [30 ILCS 575/5].

c) The goal established in subsection (b) may be satisfied, in whole or in part, by counting expenditures made by IOC vendors to subcontractors.

d) The CPO may undertake the following actions to reach the goal established in subsection (b):

1) focus solicitation upon vendors from the list of certified businesses ascertained by the Business Enterprise Council for Minorities, Females, and Persons with Disabilities;

2) advertise in appropriate media;

3) divide job or project requirements, when economically, technically, and programmatically feasible, into smaller tasks or quantities;

4) eliminate extended experience or capitalization requirements when programmatically feasible;

5) identify specific, proposed projects, purchases, or contracts as particularly appropriate for participation by businesses owned by minorities, females, or persons with disabilities; and

6) establish set-asides in accordance with applicable law.

e) The Act and the rules promulgated thereunder (44 Ill. Adm. Code 10) set forth the procedures for certification as a business owned by minorities, females, or persons with disabilities.

f) The CPO shall acquire and maintain a list of businesses certified by the Business Enterprise Council for Minorities, Females, and Persons with Disabilities. The names and addresses of certified vendors shall be made available to the public.

g) Those categories of contracts and expenditures exempted by the Business Enterprise Council for Minorities, Females, and Persons with Disabilities as set forth in its rules (44 Ill. Adm. Code 10.22) are exempt from the contracting goal established in this Section. In addition, the CPO may exempt specific contracts or expenditures from the goal prior to the advertisement for bids or solicitation of proposals, when the CPO has determined, based upon the best information available at the time of the determination, that there is an insufficient number of businesses owned by minorities, females, and persons with disabilities to ensure adequate competition and an expectation of reasonable prices on bids or proposals solicited for the specific contract or expenditure. A determination of the CPO made under this subsection shall be reduced to writing and published in the

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

Illinois Procurement Bulletin.

(Source: Added at 25 Ill. Reg. _____, effective _____)

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Farm Development Authority

2) Code Citation: 8 Ill. Adm. Code 1400

3) Section Numbers: Proposed Action:

1400.140	Amendment
1400.146	Amendment
1400.147	Amendment
1400.149	Amendment

4) Statutory Authority: 20 ILCS 3605/7

5) A Complete Description of the Subjects and Issues Involved: The changes are to more fully detail Authority policy regarding the Beginning Farmer Bond and Contract Bond Programs and to clarify Authority policy regarding the Young Farmer Guarantee Program and State Guarantee Program for Agri-Industries.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will neither create nor expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All interested persons are invited to submit their written comments on the proposed action at any time during the first notice period to:

Laura A. Lanterman
Chief Financial Officer
Illinois Farm Development Authority
427 East Monroe Street, Suite 201
Springfield, Illinois 62701
217-782-5792

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITY

PART 1400

ILLINOIS FARM DEVELOPMENT AUTHORITY

Section

- 1400.10 Definitions
- 1400.20 Composition, Appointment and Terms of Office
- 1400.30 Officers
- 1400.40 Executive Director
- 1400.50 Meetings
- 1400.60 Quorum
- 1400.70 Reimbursement
- 1400.80 Rules of Order
- 1400.90 Records and Reports
- 1400.100 Public Participation
- 1400.110 Rulemaking Procedures
- 1400.120 Purchasing Rules and Regulations
- 1400.130 Rules and Guidelines Applicable to All Bond Programs
- 1400.140 Bond Programs and Rules Applicable to Each
- 1400.145 Rules and Guidelines Applicable to the Interest Buy Down
- 1400.146 Rules and Guidelines Applicable to the Young Farmer Guarantee Program
- 1400.147 Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt
- 1400.148 Rules and Guidelines Applicable to the Specialized Livestock Guarantee Program
- 1400.149 Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries
- 1400.150 Seal
- 1400.160 Principal Office
- 1400.170 Revision
- 1400.180 Construction; Waiver; Severability

ILLUSTRATION A OIALP Regions (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Farm Development Act [20 ILCS 3605] and by the Farm Credit Allocation Act [20 ILCS 3610].

SOURCE: Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 242, effective December 22, 1982; emergency amendment at 8 Ill. Reg. 363, effective December 27, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 Ill. Reg. 8186, effective May 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency amendment at 9 Ill. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency expired March 21, 1986; emergency amendment at 10 Ill. Reg.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

2059, effective January 10, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4599, effective February 28, 1986, for a maximum of 150 days; emergency expired July 28, 1986; amended at 10 Ill. Reg. 11001, effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989; amended at 13 Ill. Reg. 14376, effective August 30, 1989; amended at 17 Ill. Reg. 3618, effective March 5, 1993; amended at 17 Ill. Reg. 15808, effective September 10, 1993; amended at 19 Ill. Reg. 7582, effective May 26, 1995; amended at 22 Ill. Reg. 3467, effective January 30, 1998; amended at 23 Ill. Reg. 2866, effective February 26, 1999; emergency amendment at 23 Ill. Reg. 4464, effective April 6, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11703, effective September 3, 1999; amended at 24 Ill. Reg. 16656, effective October 24, 2000; amended at 25 Ill. Reg. 6886, effective May 30, 2001; amended at 25 Ill. Reg. _____, effective _____.

Section 1400.140 Bond Programs and Rules Applicable to Each

a) Beginning Farmer Bond and Contract Bond Programs Program.

1) Purpose. The purpose of the Beginning Farmer Bond and Contract Bond Programs is to provide affordable financing to new, low net worth farmers for financing capital purchases. IFDA works with the applicant's local lender or contract seller to provide this financing. IFDA issues a tax-exempt bond for the amount and with the terms of the loan. Because the interest income to the lender or contract seller is exempt from federal income tax, the lender or contract seller is able to charge a lower rate to the applicant. The loan and the bond are secured solely by the collateral required by the lender or contract seller and are not obligations of IFDA or of the State of Illinois. Because the contract seller makes all credit decisions. This program is intended to facilitate the acquisition, construction, or reconstruction of agricultural land and improvements and depreciable agricultural property by beginning farmers, as hereinafter defined. Eligible loan activities under this program consist of financing purchases of the following:

- A) Depreciable agricultural property.
 - B) Agricultural improvements. Examples are: confinement systems for swine, cattle, or poultry; barns and other out buildings; sites; tilling and soil conservation practices such as terraces, farm ponds, erosion control structures, waterways, etc.
 - C) Agricultural land.
- 2) Eligible Applicants. Eligibility Requirements Particular to the Beginning Farmer Program:
- A) The eligible applicant must be a beginning farmer. Beginning farmer means an individual with a flow or

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

moderate-net-worth-who-engages-in-farming-or-wishes-to engage-in-farming.

A)B) The applicant must have net worth of not more than \$250,000 at the time of application. Net low-or-moderate-net worth means total assets less total liabilities of the an aggregate-net-worth-of-an individual and the individual's spouse and minor children, if any-of-less-than-\$250,000.

i) Total assets shall include, but not be limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities (not readily marketable); accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interests in trusts; government payments or grants; and all other assets. [20 ILCS 3605/2] Total assets shall not include items used for personal, family or household purposes by the applicant, but in no event shall such property be excluded to the extent that a deduction for depreciation is allowable for federal income tax purposes. All assets shall be valued at fair market value by the participating lender. Such value shall be what a willing buyer would pay a willing seller in the locality. A deduction of ten percent may be made from fair market value of farm and other real estate.

ii) Total liabilities shall include, but not be limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and all other liabilities. [20 ILCS 3605/2]

B) The applicant must be an individual, not a corporation, partnership, trust, or any other legal entity.

C) The applicant must be the sole owner and principal user of the project.

D) The applicant must not have had any prior direct or indirect ownership interest in a substantial amount of land. A substantial amount of land is a parcel that exceeds 30% of the median farm size in the county in which the land is located, or which had at any time during ownership a fair market value in excess of \$125,000. An individual with prior ownership of land may still be eligible if the individual did not participate in the operation of the farm. Ownership or material participation by an individual's spouse or minor child shall be treated as ownership or material participation by an individual.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

E) Net worth means total assets minus total liabilities as determined by the lender in accordance with this part and accepted accounting procedures.

B) Total assets shall include, but not be limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities (not readily marketable); accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interests in trusts; government payments or grants; and all other assets. (Section 2(f) of the Act). Total assets shall not include items used for personal, family or household purposes by the applicant, but in no event shall such property be excluded to the extent that a deduction for depreciation is allowable for federal income tax purposes. All assets shall be valued at fair market value by the participating lender. Such value shall be what a willing buyer would pay a willing seller in the locality. A deduction of ten percent may be made from fair market value of farm and other real estate. Total liabilities shall include, but not be limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and all other liabilities. (Section 2(f) of the Act)

3) Loan Amount. The maximum loan amount is \$250,000 per person. 3) Issuance of Bond. Following approval of the loan, the Authority shall issue a bond, to be purchased by the participating lender, in the amount and fitting the terms of the loan to the farmer.

4) Eligible Purchases. Loan proceeds may be used for the following capital purchases only:

A) Land located in the State of Illinois that is suitable for use in farming and that is or will be operated as a farm.

B) Agricultural Improvements. Any improvements, buildings, structures or fixtures suitable for use in farming that are located on agricultural land. IFDA will finance the purchase of new improvements on agricultural land. IFDA can finance used agricultural improvements only in situations in which:

- i) the improvements are purchased in conjunction with agricultural land and used in the operation of a farm to be operated on the agricultural land being purchased; or
- ii) a sufficient amount of qualified rehabilitation expenditures are incurred by the borrower with respect to the agricultural improvements within two years from

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the date of the issue of the bond.

- C) Depreciable Agricultural Property. Personal property suitable for use in farming for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1954, as amended. Examples include, but are not limited to, farm machinery and trucks. Feeder livestock, seed, feed, fertilizer, and other types of inventory or supplies do not qualify as depreciable agricultural property. IFDA will finance the purchase of any new depreciable agricultural property. IFDA can also finance used depreciable agricultural property if it is purchased in conjunction with agricultural land and used in the operation of a farm to be operated on the agricultural land being purchased. The total loan proceeds allocated to the purchase price of used equipment may not exceed \$62,500.

No portion of the loan proceeds may be used for the purchase of a residence. If the project includes a residence, the applicant must make a down payment or obtain conventional financing for the value of the residence.

- 5) Purchase from Related Persons. The IRS states that the following, among others, are deemed to be "related persons" of any individual: grandfather, grandmother, father, mother, brother, sister (whether whole or half blood), child grandchild, or spouse. In addition, a partnership and each of its partners (and their spouses and minor children) are related persons, as are an S corporation and each of its shareholders (and their certain related corporations and partnerships. It should be pointed out that the foregoing list is not all-inclusive. There are certain other entities and individuals that could also be considered related persons. It should also be noted that certain individuals are not related persons. For example, an uncle, aunt, nephew, niece, brother-in-law or sister-in-law would not be treated as a related person. IFDA loan proceeds may be used to purchase property from a related person in some circumstances:

- A) The Beginning Farmer Bond Program may be used to purchase eligible property from a related person if the following conditions are met:
- The applicant must certify and provide supporting documentation that the purchase price of the project is equal to the market value of the project.
 - The applicant must certify that the seller will have no continuing financial interest in the project and will not be a principal user of the project, and will have no other direct or indirect ownership or use of the project.
- B) The Beginning Farmer Contract Bond Program may never be used

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to purchase property from a related person.

- 6) Security for the loan. To facilitate the making of the loan, the Lender Loan Agreement or Contract Seller Agreement provides that the lender or contract seller will act as agent and fiduciary for IFDA in connection with the loan. The principal and interest of the bond are payable solely out of the revenue derived from the Borrower's Promissory Note, which is secured by collateral furnished by the borrower. Please note that cash and cash equivalents may not be used as collateral. The bond that is issued by IFDA and purchased by the lender or contract seller is a non-recourse obligation. The principal and interest on the bond do not constitute an indebtedness of IFDA or a charge against its general credit or general fund.

- 7) Fees. The Authority charges a non-refundable application fee of \$100 that must be submitted with the application. There is also a closing fee of one and one-half percent of the loan amount, less the \$100 application fee, due when the loan is closed. The lender under the Beginning Farmer Bond Program may charge a closing fee of up to one-half of one percent of the loan amount. No other fees may be charged. However, the lender may pass on to the borrower any recording or filing fees associated with the loan. The contract seller under the Beginning Farmer Contract Bond Program may charge no fees. However, the contract seller may pass on to the borrower any recording or filing fees associated with the loan.

- 8) This program takes effect upon adoption pursuant to this Part.

- b) Agricultural Manufacturing Bond Program
- Purpose. This program is designed to encourage the development and expansion of agribusiness manufacturing operations in Illinois. The intention of this program is to enhance economic growth in Illinois by creating and saving jobs in the rural areas of the State.

- 2) Eligibility Requirements Particular to the Agricultural Manufacturing Bond Program.

- A) The applicant must be an agribusiness as defined in the Act and in Section 1400.10 of this Part. The applicant must also be a "manufacturing facility" as defined in Section 144(a)(12)(C) of the Internal Revenue Code of 1986. This means any facility which is used in the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property).

- B) The applicant, including all affiliates and subsidiaries, must have no more than 100 employees at the time of application or have had gross income of no more than \$2 million for the calendar year preceding the date of application. "Gross income" for this purpose means the amount of gross income properly reportable for federal

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income tax purposes for the taxable year under the provisions of the Internal Revenue Code of 1986.

- C) The IFDA shall waive the requirements of subsection (b)(2)(B) for any Agricultural Manufacturing Facility which at the time of application does not operate a facility within the State of Illinois.

- 3) The amount of a loan authorized herein to any agricultural manufacturing facility shall be limited by Section 144(a)(4)(A) of the Internal Revenue Code of 1986 with respect to the issuance of small issue industrial development bonds. In no event shall any loan to any one agricultural manufacturing facility exceed \$10 million.

- 4) Issuance of Bond. Following approval of the loan, the Authority shall issue a bond, in the amount of and fitting the terms of the loan, to be purchased by the participating lender.

- 5) This program takes effect upon adoption pursuant to this Part.

- 6) The applicant must pay a \$100 fee at the time of application.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1400.146 Rules and Guidelines Applicable to the Young Farmer Guarantee Program

- a) General Description of Program. The Young Farmer Guarantee Program (YFG) is designed to enhance credit availability to younger farmers who are purchasing capital assets. Loan funds may be used for new purchases of capital assets such as land, buildings, machinery, equipment, breeding livestock, soil and water conservation projects, etc. In some cases, loan proceeds may be used to refinance existing debt as needed to improve lien positions or improve financial structure. The provisions of this Section are applicable only to the YFG.

- b) Definitions Applicable to the YFG.

"Applicant" means a farmer whose application for a Young Farmer Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: crops or feed on hand; livestock held for sale; breeding stock; cash; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in trusts; government payments or grants; capitalized leases; retirement accounts and all other assets. [20 ILCS 3605/2]

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"Debt to Asset Ratio" means total outstanding liabilities, including any debt to be financed or refinanced under this Section, divided by total outstanding assets. [20 ILCS 3605/12.4]

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on young farmer guarantee loans. [20 ILCS 3605/12.4]

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 61).

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; indebtedness under capitalized leases; and all any other liabilities. [20 ILCS 3605/2]

"YFG Loan" means an installment note for which the State of Illinois shall be liable for 85% of the total principal and interest as determined by the Authority.

"Young Farmer" means a resident of Illinois who is at least 18 years of age, who is a principal operator of a farm or land, who derives or will derive at least 50% of gross annual income from farming, who has a net worth of not less than \$10,000 and whose debt to asset ratio is not less than 40%. [20 ILCS 3605/12.4]

- c) Eligible Farmers. To qualify for participation in the YFG, each farmer must:

- 1) be at least 18 years of age and maintain his principal residence in the State [20 ILCS 3605/12.4];
- 2) be the principal operator of a farm who derives or will derive at least 50% of annual gross income from farming [20 ILCS 3605/12.4];
- 3) have a debt to asset ratio of not less than 40% and not greater than 70% after purchase of the capital item and have a net worth of not less than \$10,000 [20 ILCS 3605/12.4];
- 4) demonstrate the ability to adequately service the proposed debt. If this ability is not adequately demonstrated, he can have a guarantor sign the note with him and/or pledge additional collateral for the loan;
- 5) provide sufficient collateral to secure the YFG loan and agree to keep it adequately collateralized in the future. All real estate and depreciable property which is to be used as collateral on a YFG loan must be evaluated by IFDA staff or appraised by a qualified appraiser. All real estate appraisals must meet Federal regulatory requirements and meet the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

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Auctioneers and machinery and equipment dealers are qualified to appraise depreciable property. The applicant is liable for all appraisal fees connected with the YFG loan;

- 6) certify that all of his debts will be current at the time the YFG loan is closed. [20 ILCS 3605/12.4]

d) Limitations

- 1) *YFG loans shall not exceed \$500,000 per young farmer. A young farmer may use this program more than once provided the aggregated principal amount of YFG loans to that young farmer does not exceed \$500,000.* [20 ILCS 3605/12.4]
- 2) *each YFG loan shall be set up on a payment schedule not to exceed 30 years, but shall be no longer than 15 years in duration.* [20 ILCS 3605/12.4] The payment schedule for the loan will be tailored to the applicant's collateral and cash flow. Real estate loans may be amortized up to 25 years with a 15 year balloon. Loans with depreciable property as collateral will be amortized over a shorter period.
- 3) The YFG loan can be fully or partially paid at any time while the loan is outstanding as long as the loan is held in the lender's portfolio and not sold into a secondary market. YFG loans may not be assumed.

e) Application Procedures and Review.

- 1) *Lenders shall apply for the YFG loans on forms provided by the Authority.* The application shall at a minimum contain the young farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State guarantee. [20 ILCS 3605/12.4] Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.

- 2) *Lenders shall certify that the application and any other documents submitted are true and correct.* [20 ILCS 3605/12.4]

- 3) Each applicant shall pay a \$300 application fee which will be submitted to the Authority at the time of the application. At the time the loan is closed, the applicant will be required to pay a closing fee of 1% of the YFG loan amount less the \$300 application fee. Of this 1% closing fee, the Authority shall receive 3/4% and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 1% closing fee may be included in the State Guarantee loan amount. The lender shall charge no fees or points in addition to those outlined herein. *The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require.* [20 ILCS 3605/12.4]

- 4) When a State Guarantee application is submitted to the Authority,

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the Authority shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Section. When the Authority has completed the review of the Guarantee application, the application shall be presented, along with a statement of recommended action, to the Board for review at its next regularly scheduled meeting. The review shall include whether the applicant and lender are in compliance with the requirements of the program. The review shall also include an evaluation of collateral, percentage of loan, debt to asset ratio, cash flow, etc.

- 5) The Board shall approve the application and provide the Guarantee, pursuant to the Act and this Section; or, deny the application and serve upon the lender and applicant a written statement of the grounds for the denial.

- 6) If the application is denied, the applicant and the lender may request reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the request at its next scheduled meeting, and shall either approve or deny the application. A denial of a request for reconsideration shall be final.

- 7) Upon approval of an application and receipt of the documentation necessary to prepare loan closing documents, a YFG Loan Closing Documents package, which contains all the appropriate forms and documents to execute, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and after satisfaction of all loan closing requirements, the YFG loan guarantee will be considered in force.

- f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Section, the lender:

- 1) charges a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the YFG loan can be converted to a fixed interest rate at any time during the term of the loan [20 ILCS 3605/12.4];

- 2) pays a fee equal to 25 basis points on the loan to the Authority on annual basis [20 ILCS 3605/12.4];

- 3) agrees to complete and certify that, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents that the Authority may request [20 ILCS 3605/12.4];

- 4) identifies collateral acceptable to the Authority in accordance with subsection (h) that is at least equal to the State Guarantee

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- loan request [20 ILCS 3605/12.4];
- 5) *assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default* subject to consulting the Authority [20 ILCS 3605/12.4];
 - 6) *is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided* [20 ILCS 3605/12.4];
 - 7) assumes responsibility for the timely collection and disposition of collateral on a YFG loan that is in default; provided, however, that the lender shall not collect or dispose of collateral on the YFG loan without the express written prior approval of the Authority. Approval shall be granted if the collateral is disposed of in a commercial manner, which nets an amount closely approximating the value of the collateral;
 - 8) agrees that the Authority has final approval on the sale of all collateral for the YFG loan. After the sale of collateral, the State shall be reimbursed its 85% guaranteed portion of the principal balance at default. If funds from the sale of collateral remain after this payment, the lender shall be reimbursed its 15% of the principal balance at default. If excess funds remain after paying the principal to the State and lender, then the State and lender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's portion.
 - 9) *The YFG loan shall be subject to an annual review and renewal by the lender and the Authority* [20 ILCS 3605/12.4] for adequacy of collateral and performance by the applicant. The applicant is required to provide the lender with a current financial statement annually.
 - 1) If it is determined that there is not sufficient collateral to adequately secure the YFG loan, additional collateral may be required. If the applicant is unwilling or unable to pledge additional collateral, the YFG loan may be called due and payable.
 - 2) If a YFG loan is going to be called for any reason, written notice which specifies the reasons for said action must be served to all parties (IFDA, lender, and borrower) not less than 90 days prior to call of the loan.
 - 3) Failure of the applicant to make any payment on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire YFG loan. The YFG loan cannot be reinstated after the 90-day delinquency period.
 - h) In the event of default that is not cured within 90 days or in the event a loan is called for any reason, the Authority shall make

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- payment of the guaranteed portion of the YFG loan to the holder of the guarantee. This payment shall be equal to the sum of:
- 1) 85% of the principal balance as of the date of default or date of call less any proceeds received from sales of collateral;
 - 2) 85% of the interest balance as of the date of default or call; and
 - 3) 85% of the interest accrued from the date of default or call until the date payment is made up to a maximum of 120 days.
- i) *The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be used to secure State guarantee on YFG loans.* [20 ILCS 3605/12.4]
- 1) The Authority shall guarantee up to \$50,000,000 in loans through the State Livestock Guarantee program (SLP), YFG and State Guarantee Program for Agri-Industries (SGPAI). The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$15,000,000 to cover any losses under these programs.
 - 2) The Authority shall direct payments from this fund to guarantee holders as described in subsection (h) above.
 - 3) Monies returned to the State on the disposition of collateral as described in subsection (f) above shall be deposited to this fund.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1400.147 Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt

- a) General Description of Program. The State Guarantee Program ("SGP") is intended to provide farmers who are experiencing financial difficulties caused by high interest rates and low commodity prices with a debt restructuring schedule to consolidate and spread out existing debt over a longer term at a reduced interest rate so that farmers will be able to continue existing farming operations. The provisions of this Section 1400.147 of this Part are applicable only to the SGP, and the provisions of Sections 1400.130 and 1400.140 of this Part are inapplicable to the SGP and procedures provided for pursuant to this Section.
- b) Definitions Applicable to the SGP only.

"Applicant" means a farmer whose application for a State Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: crops or feed on hand; livestock held for sale; breeding stock; cash; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates, personal residence,

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and value of beneficial interests in trusts; government payments or grants; capitalized leases; retirement accounts; and all other property and assets.

"Current Outstanding" means on the date of the application for any State Guarantee.

"Current Status" means the absence of any arrearages in any previously incurred debt for which a State Guarantee is sought.

"Debt to Asset Ratio" means the current outstanding liabilities of the farmer divided by the current outstanding assets of the farmer. [20 ILCS 3605/12.1]

"Farmer" means a resident of Illinois, who is a principal operator of a farm or land, at least 50% of whose gross annual income is derived from farming and whose debt to asset ratio shall not be less than 40%, except in those cases where the applicant has previously used the Guarantee Program there shall be no debt to asset ratio or income restriction. [20 ILCS 3605/12.1]

"Fund" means the Illinois Agricultural Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on State Guarantee loans. [20 ILCS 3605/12.1]

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 61).

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; indebtedness under capitalized leases; and all other liabilities. [20 ILCS 3605/2]

"State Guarantee" means a note for which the State of Illinois shall be liable for 85% of the total principal and interest of the note as determined by the Authority.

c) Eligible Farmers. To qualify for participation in the SGP, each farmer must:

- 1) maintain his principal residence in the State;
- 2) be at least 18 years of age at the time of application;
- 3) be the principal operator of the farming business for which the funds guaranteed by the SGP are contemplated to be used;
- 4) be able to show, based upon his/her most recent Federal Income Tax Return and current data, that at least 50% of his/her annual gross income is derived from farming, unless the loan is a renewal of an existing guarantee;

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- 5) have a debt to asset ratio of not less than 40% and not greater than 65%, unless the loan is a renewal of an existing guarantee;
- 6) provide sufficient collateral to secure the State Guarantee and agree to keep the State Guarantee adequately collateralized in the future;
- 7) certify and agree that he/she will only use the State Guarantee to consolidate and restructure existing farming debts.

d) Limitations.

- 1) No State Guarantee shall exceed \$500,000 per farmer or farming operation. [20 ILCS 3605/12.1]
- 2) Each State Guarantee shall be set up on a payment schedule not to exceed 30 years, and shall be no longer than 30 years in duration. [20 ILCS 3605/12.1]
- 3) Only one State Guarantee shall be outstanding per farmer at any one time. [20 ILCS 3605/12.1]
- 4) Only one State Guarantee shall be outstanding at any one time for any one farming operation. If applicants file separate Schedule Fs for their Federal Income Tax Returns, then they will be considered to operate separate farming operations.

e) Application Procedures and Review.

- 1) Lenders interested in the SGP must complete a Letter of Interest and return it to the Authority's office in Springfield, Illinois. After the Letter of Interest has been received by the Authority, the lender will be placed on the mailing list for the SGP.
- 2) The lenders shall apply for State Guarantees on forms approved and provided by the Authority. The application shall, at a minimum, contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the State Guarantee. [20 ILCS 3605/12.1]
- 3) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents package to the lender containing all the appropriate forms and documents to execute. Upon completion of all such forms and documents by the applicant, lender and Authority, the State Guarantee loan will be considered closed.
- 4) The lender shall certify that all the information contained on the application and other submitted documents is correct, and shall be liable to the Authority for any damages suffered by any incorrect or untrue statement contained in any certified application.
- 5) The application period for the SGP shall commence immediately upon the determination that these Rules are properly filed with the office of the Secretary of State, and end when the Authority has issued State Guarantees equal to \$160,000,000 or at any later time as may be set from time to time by legislative extension.
- 6) Following submission of the Guarantee application by the lender,

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the Authority shall review the application. The Authority's review shall include, but will not be limited to, whether the applicant is an eligible farmer and whether the lender has complied with the requirements of subsection (f) of this Section. The Authority will base its evaluation on collateral, percentage of loan, debt to asset ratio, cash flow, etc.

- 7) When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Part:

A) If the Executive Director determines that the loan application is incomplete, he or she shall, within 14 days of such determination, inform the lender and the applicant of such determination, and detail the information or material that is necessary to complete the application. For the purposes of subsection (j) of this Section, no application shall be deemed complete until the lender or applicant has provided the additional information or material requested by the Executive Director.

B) When the Executive Director has completed his or her review of the Guarantee application, he or she shall present the application, with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on collateral, percentage of loan, debt to asset ratio, cash flow, etc.

- 8) The Board shall review each loan application presented by the Executive Director in accordance with the provision of the Act and this Part, and the Board shall:

- A) approve the application and provide the Guarantee, pursuant to the Act and this Part; or
 - B) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.
- 9) Each applicant shall pay a \$300 application fee which will be submitted to the lender at the time of the application. At the time the loan is made, the applicant may be required to pay a closing fee not greater than 3/4 of 1% of the State Guarantee which may be used to pay for administrative expenses incurred by the lender and the Authority. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee Loan amount. The Authority shall credit the \$300 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, financing statements, insurance for secondary market issues and any similar fees

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necessary for closing and maintaining the State Guarantee or selling into the secondary market. [20 ILCS 3605/12.1]

- 10) If the application is denied, the applicant and the lender may file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. This Request for Reconsideration must be filed with the Authority not later than 21 days after such denial. The Request for Reconsideration should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request for Reconsideration at its next scheduled meeting, and shall either approve the application or deny the Request for Reconsideration. The applicant will have the opportunity to present new relevant facts on his previous denial to the Board, and if such facts will establish eligibility, the Request will be granted. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application shall be deemed complete for the purposes of subsection (j) of this Section.

- f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Part, the lender:

- 1) agrees to bring the farmer's debt to a current status at the time the State Guarantee is provided; [20 ILCS 3605/12.1]
- 2) Charges a fixed or adjustable interest rate which is below the market rate of interest generally available to the borrower. The same lender for the same project without the State Guarantee. If both the lender and the applicant agree, the interest rate on the State Guarantee loan can be converted to a fixed interest rate at any time during the term of the loan; [20 ILCS 3605/12.1]
- 3) agrees to pay to the Authority an annual fee equal to 25 basis points on the loan and any other necessary and ordinary administrative expenses in excess of the 25 basis points as determined from time to time pursuant to the Act and this Part;
- 4) agrees to complete and certify that, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents that the Authority may request; [20 ILCS 3605/12.1]
- 5) identifies collateral acceptable to the Authority in accordance with subsection (h) that is at least equal to the State guarantee loan request; [20 ILCS 3605/12.1]
- 6) assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting the Authority; [20 ILCS 3605/12.1]
- 7) is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided; [20 ILCS 3605/12.1]

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- 8) assumes responsibility for proceeding with the collecting and disposing of collateral on the State Guarantee within 14 months of the date that the loan is declared delinquent; provided, however, that the lender shall not collect or dispose of collateral on the State Guarantee without the express written prior approval of the Authority. [20 ILCS 3605/12.1] Approval shall be granted if the collateral is disposed of in a reasonably commercial manner, based on the manner, time and place of the sale, the purchase price and the purchaser. In the event that the lender fails to dispose of the collateral within 14 months, the lender shall repay to the State interest on the State Guarantee equal to the same rate which the lender charges on the loan; provided, however, that the Authority shall extend the 14-month period for a lender in the case of bankruptcy or extenuating circumstances which prevent the lender from liquidating the collateral. The lender shall repay this interest to the State until the collateral for the State Guarantee has been liquidated and the State has been reimbursed. [20 ILCS 3605/12.1] If the lender fails to repay the State the interest as outlined herein, the Authority shall turn the matter over to the Attorney General's office for appropriate legal action;
- 9) agrees that the Authority has final approval on the sale of all collateral for the State Guarantee. After the sale of collateral, the State shall be reimbursed 85% of the remaining principal amount of the State Guarantee loan. If the funds from the sale of collateral remain after this payment, the lender shall be reimbursed 15% of the remaining principal amount of the loan. If excess funds remain after paying the remaining principal to the State and lender, then the State and lender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's portion. If excess funds exist after repaying both the State and the lender, they shall be paid back to the farmer. [20 ILCS 3605/12.1]

g) Annual Review.

- 1) The lender and the Authority shall each, on an annual basis, review State Guarantees for any purpose including, but not limited to, present collateral value; timeliness of payments made by the farmer or any other purposes reasonably calculated to aid in determining the farmer's present and projected repayment capacity. If the Authority determines that the existing collateral is insufficient to cover the State's liability, additional collateral may be required. If the applicant fails to pledge such additional collateral, the State Guarantee loan may be called.

- 2) In those cases where the borrower has not previously used the guarantee program, no State Guarantee shall be called by the lender or Authority during the first 3 years of the date on which

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- the application is closed for any reason except defaults on payments or insufficient collateral. [20 ILCS 3605/12.1]
- 3) Except as otherwise provided in the Act or this Part, a State Guarantee may be called by the lender or Authority upon a 90-day written notice to all parties specifying the reasons for such call (e.g., submission of false documentation, changing loan documents, and change of state residency).
- 4) The lender can review and withdraw or continue with the State Guarantee on an annual basis after the first three years of the loan provided a 90 day notice, in writing, to all parties has been given. [20 ILCS 3605/12.1] Such notification must be provided on or before the date on which payment is due..
- 5) The applicant must make all payments on the State Guarantee within 90 days of the stated payment date. Failure to make payments on or before their due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire State Guarantee Loan. The State Guarantee cannot be reinstated after the 90-day delinquency period.

- h) Valuation of Collateral. All the--value--of collateral shall be evaluated by IDFA staff or appraised determined by a qualified farmstead appraiser. A qualified appraiser is one who is qualified by virtue of membership in the Illinois Society of Farm Managers and Appraisers, or one whose qualifications have been reviewed by the Authority. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State's liability and may appoint an independent appraiser to aid in its determination on the sufficiency of collateral. The Authority will view real estate as the primary collateral on SGP loans, with machinery and equipment and breeding livestock to be used as secondary collateral, except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The Authority may, among other things, take a mortgage or lien on land or other assets to cover the State's liability. Collateral may be transferred only upon written approval by the Authority and the lender.
- i) Fund. To implement and carry out the objectives of the SGPAI, the Fund has been created as a special Fund outside of the State Treasury.

- 1) The Authority is authorized to transfer no more than \$45,000,000 to the Fund during the duration of the State Guarantee program, to secure State Guarantees issued pursuant to this Section. Any amounts transferred from the Illinois Agricultural Loan Guarantee Fund to the General Revenue Fund under powers granted to the Governor by Public Act 87-14 shall not be considered in determining if the maximum of \$45,000,000 has been transferred into the Illinois Agricultural Loan Guarantee Fund. [20 ILCS

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- 3605/12.1]
- 2) The State shall not be liable for more than \$45,000,000 to secure State Guarantees issued pursuant to this Section. [20 ILCS 3605/12.1]
 - 3) In the event of default by the farmer, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinquency. All payments by the Authority shall be made from the Illinois Agricultural Loan Guarantee Fund to satisfy claims against the State Guarantee. The Illinois Agricultural Loan Guarantee Fund shall guarantee receipt of payment of the 85% of the principal and interest owed on the State Guarantee loan by the farmer to the guarantee holder. [20 ILCS 3605/12.1] In no event shall the interest amount guaranteed by the Authority include interest accruing beyond 120 days from the date of default.
 - 4) The Fund shall be reimbursed for any amount paid under this subsection (1) upon liquidation of collateral which the lender shall seize and convert to cash in a reasonably commercial manner. [20 ILCS 3605/12.1]
 - 5) Priority of Applications. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.
 - 6) Guarantors and Additional Collateral. An applicant for a State Guarantee Loan may have a guarantor co-sign the note and/or pledge additional collateral for the State Guarantee Loan if the lender and Authority determine that the applicant alone cannot provide sufficient collateral for the State Guarantee.
 - 7) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owed on the State Guarantee Loan to the holder of the State Guarantee. The payment shall be made by the Authority to the holder of the State Guarantee within 30 days after an appropriate request by a lender certifying that the 90-day delinquency period has elapsed. The payment shall include 85% of past due interest and 85% of the remaining principal.
 - 8) Prepayment of Loans. Each loan shall be paid at least on an annual basis with one payment due each year on the date on which the loan was closed for a period of ten years or until the loan is repayed, whichever occurs first. The State Guarantee Loan may be prepaid in full or in part at any time the loan is outstanding without penalty.
 - 9) Assumption of Loans. No State Guarantee loan may be assumed by any entity unless specifically authorized by the Authority. Such authorization will be granted only in extraordinary cases (e.g., death or serious illness of the applicant with assumption by an immediate family member).
 - 10) Total Obligations through the SGP. The Authority shall have outstanding guarantees in an aggregate principal amount up to \$160,000,000 through the SGP. The Illinois Agriculture Loan Guarantee

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Fund shall be funded with \$45,000,000 to cover any losses.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1400.149 Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries

a) General Description of Program. The State Guarantee Program for Agri-Industries (SGPAI) was created to encourage diversification and vertical integration of Illinois agriculture. The provisions of this Section are applicable only to the SGPAI, and the provisions of Sections 1400.130, 1400.140, 1400.147 and 1400.148 of this Part are inapplicable to the SGPAI and procedures provided for pursuant to this Section.

b) Definitions Applicable to the SGPAI Only.

"Agribusiness" means any sole proprietorship, limited partnership, co-partnership, joint venture, corporation or cooperative which operates or will operate a facility located within the State of Illinois that is related to the processing of agricultural commodities (including, without limitation, the products of agriculture, hydroponics and silviculture) or the manufacturing, production or construction of agricultural buildings, structures, equipment, implements, and supplies, or any other facilities or processes used in agricultural production. [20 ILCS 3605/2]

"Applicant" means a farmer/agribusiness whose application for a State Guarantee has been submitted to the Authority by a lender.

"Farmer" means a resident of Illinois who is a principal operator of farm or land, at least 50% of whose annual gross income is derived from farming, whose annual total sales of agricultural products, commodities or livestock exceeds \$20,000 and whose net worth does not exceed \$500,000. [20 ILCS 3605/12.2]

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on SGPAI loans.

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 61).

"State Guarantee" means a note for which the State of Illinois shall be liable for 85% of the total principal and interest of the note as described by the Authority.

c) Applicant Eligibility Requirements.

1) Farmer. To qualify for participation each farmer must:

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- A) be a resident of Illinois [20 ILCS 3605/12.2];
- B) be at least 18 years of age at the time of application;
- C) be the principal operator of a farm or land for which the funds guaranteed by the State Guaratee are to be used [20 ILCS 3605/12.2];
- D) be able to show, based upon his/her most recent federal income tax return and/or current data, that at least 50% of his/her gross income is derived from farming [20 ILCS 3605/12.2];
- E) be able to show, based upon his/her most recent federal income tax return and/or current data, that his/her total sales of agricultural products, commodities, or livestock exceeds \$20,000 [20 ILCS 3605/12.2];
- F) be able to show that his/her net worth does not exceed \$500,000 [20 ILCS 3605/12.2].

- 2) Agribusiness. To qualify for participation each agribusiness must:

- A) be located in Illinois;
- B) use agricultural products which are now grown or raised in Illinois, or which will be grown or raised in Illinois.

- 3) Joint Requirements. To qualify for participation each applicant must:

- A) *Promote diversification of the farm economy of this State through the growth and development of new crops or livestock not customarily grown or produced in this State or that emphasize a vertical integration of grain or livestock produced or raised in this State into a finished agricultural product for consumption or use. "New crops or livestock not customarily grown or produced in this State" shall not include corn, soybeans, wheat, swine or beef or dairy cattle. "Vertical integration of grain or livestock produced or raised in this State" shall include any new or existing grain or livestock grown or produced in this State;* [20 ILCS 3605/12.2];

- B) provide sufficient collateral to secure the entire loan at the time of application and agree to keep the loan collateralized in the future;

- C) agree to make all payments on the State Guaratee within 90 days of the stated payment date. If any payment is not made within said 90 day period, then the total outstanding principal and interest on the entire State Guaratee loan are due and payable immediately. The State Guaratee loan cannot be reinstated after the 90 day delinquency period.

- d) Any State Guarantees provided under this Section:

- 1) shall not exceed \$500,000 per farmer or an amount as determined by the Authority on a case-by-case basis for an agribusiness;
- 2) shall not exceed a term of 15 years;
- 3) shall be subject to an annual review and renewal by the lender

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- e) and the Authority. [20 ILCS 3605/12.2]

- 1) Lenders shall apply for the State Guarantees on forms provided by the Authority, certify that the application and any other documents submitted, such as balance sheets, security analyses, cash flow projections and feasibility studies are true and correct, and shall be liable to the Authority for any damages suffered because of an incorrect or untrue statement contained in any certified application. The application shall at a minimum contain the farmer's or agribusiness' name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets and any other information pertinent to the application and the collateral to be used to secure the State Guaratee, such as feasibility studies, purchase contracts or sales contracts. [20 ILCS 3605/12.2]

- 2) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guaratee Closing Documents package to the lender containing all the appropriate forms and documents to execute; upon completion of all such forms and documents by the applicant, lender and Authority, the State Guaratee loan will be considered closed.

- 3) The application period for the SGPPI shall commence immediately upon the determination that these Rules are properly filed with the Office of the Secretary of State and end when the Authority has issued State Guarantees equal to \$50,000,000 through this SGPPI program and the YFG and SLP programs, or at any later time as may be set from time to time by legislative extension.

- 4) Following submission of the Guaratee application by the lender, the Authority shall review the application. The Authority's review will include whether the applicant is an eligible farmer or agribusiness and whether the lender has complied with the requirements of subsection (f) of this Section. The Authority's review will also include evaluation of such factors as collateral, percentage of loan, debt to asset ratio, cash flow, and other information submitted by the applicant.

- 5) When a State Guaratee application is submitted to the Authority, the Executive Director shall review the application to determine whether it is complete pursuant to subsection (e)(1) above, and whether it meets the criteria established by the Act and this Part:

- A) If the Executive Director determines that the loan application is incomplete, he/she shall within 14 days of such determination inform the lender and the applicant of that determination and detail the information or material that is necessary to complete the application. For the purpose of subsection (j) of this Section no application shall be deemed complete until the lender or applicants have

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provided the additional information or material requested by the Executive Director.

B) When the Executive Director has completed his/her review of the Guarantee application, he/she shall present the application with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on such factors as collateral, percentage of loan, debt to asset ratio, cash flow and other information submitted by the applicant.

8) The Board shall review each loan application presented by the Executive Director using the criteria in subsection (e)(4) above, and the Board shall:

A) approve the application and provide the Guarantee pursuant to the Act and this Part; or

B) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.

9) Each applicant shall pay a \$300 application fee which will be submitted to the Authority at the time of the application. At the time the loan is made, the applicant may be required to pay a closing fee not greater than 3/4 of 1% of the State Guarantee loan amount. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses incurred in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee loan amount. The Authority shall credit the \$300 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. *The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, financing statements, insurance for secondary market issues and any other similar fees or charges necessary for closing and maintaining the State Guarantee or selling it into the secondary market.* [20 ILCS 3605/12.2]

10) If the application is denied, the applicant and the lender may file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application. This Request for Reconsideration must be filed with the Authority not later than 21 days after denial and should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request at its next scheduled meeting. The review will be based on the criteria established in subsection (e)(4) above. Based on the review, the Board shall approve or deny the Request for Reconsideration. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request shall be deemed complete for the purposes of the subsection (j) of this Section.

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f) Provision or Renewal of State Guarantees. *The Authority shall provide or renew a State Guarantee to a lender if, in addition to meeting the other criteria described in the Act and this Section:*

1) *a fee equal to 25 basis points on the loan is paid to the Authority on an annual basis by the lender, along with any other necessary expenses for maintaining the State Guarantee* [20 ILCS 3605/12.2];

2) *the application provides collateral acceptable to the Authority that is at least equal to the State's portion of the Guarantee to be provided* [20 ILCS 3605/12.2];

3) *the lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting with the Authority* [20 ILCS 3605/12.1];

4) *the lender agrees that it is responsible for the first 15% of the outstanding principal of the note for which the State Guarantee has been applied* [20 ILCS 3605/12.1];

5) *the lender assumes responsibility for proceeding with the collecting and disposing of collateral on the State Guarantee within 14 months of the date the State Guarantee is declared delinquent; provided, however, that the lender shall not collect or dispose of collateral on the State Guarantee without the express written prior approval of the Authority. Approval will be granted if the collateral is disposed of in a reasonably commercial manner based on the manner, time and place of the sale, the purchase price and the purchaser. In the event the lender does not dispose of the collateral within 14 months, the lender shall be liable to repay to the State interest on the State Guarantee equal to the same rate that the lender charges on the State Guarantee; provided that the Authority shall have the authority to extend the 14 month period for a lender in the case of bankruptcy or extenuating circumstances that prevent the lender from liquidating the collateral.* [20 ILCS 3605/12.2] The lender shall repay this interest to the State until the collateral for the State Guarantee has been liquidated and the State has been reimbursed. If the lender fails to repay the State the interest as outlined herein, the Authority shall turn the matter over to the Attorney General's office for appropriate legal action;

6) *agrees that after the sale of collateral, the State shall be reimbursed 85% of the remaining principal amount of the State Guarantee loan. If funds from the sale of the collateral remain after this payment, the lender shall be reimbursed 15% of the remaining principal amount of the loan. If excess funds remain after paying the remaining principal to the State and lender, then the State and lender shall be repaid interest on a pro-rated basis; 85% of such excess funds shall be allocated to the State's portion and 15% to the lender's portion. If excess funds exist*

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after repaying both the State and the lender, these funds shall be paid to the borrower.

g) Review and Revocation.

1) The SGPAI loan shall be reviewed annually by the lender and the Authority for review of collateral value and performance by the borrower. If the Authority determines that the existing collateral is insufficient to cover the State's liability, additional collateral will be requested. If the borrower fails to pledge such additional collateral, the State Guarantee may be revoked. The determination of whether to revoke the State Guarantee will be based on the borrower's ability to service the debt. If the Authority calls the State Guarantee, the holder of the Guarantee will be paid 85% of the outstanding principal and interest balance and the borrower will be liable to reimburse the State.

2) A State Guarantee may be revoked by the lender or the Authority upon a 90-day written notice to all parties specifying the reasons for such revocation (e.g., submission of false documents, changing loan documents or change of State residency).

3) If an interest rate is variable, a lender may not withdraw from a SGPAI loan for any reason except for lack of performance on the borrower's part, insufficient collateral, or maturity. [20 ILCS 3605/12.2]

4) A lender may review and withdraw or continue with a State Guarantee on an annual basis after the first five years following closing of the loan application if the loan contract provides for an interest rate that shall not vary. [20 ILCS 3605/12.2] If a lender undertakes such a review, it must provide written notification of its decision whether to withdraw or continue. Such notification must be provided on or before the date on which payment is due.

5) The applicant must make all payments within 90 days after the stated payment date. Failure to make any payments on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest balances on the SGPAI loan shall become due and payable. The State Guarantee cannot be reinstated after the 90-day delinquency period.

h) Valuation of Collateral. All the--value--of collateral shall be evaluated by IFDA staff or appraised determined by a qualified appraiser. A qualified appraiser is one who is qualified by virtue of membership in the Illinois Society of Farm Managers and Appraisers or one whose qualifications have been reviewed by the Authority. The Authority will consider an appraiser qualified who has at least three years experience appraising farmland. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State Guarantee loan and may appoint an independent appraiser to

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aid in its determination. The Authority will view real estate as the primary collateral on SGPAI loans. Machinery and equipment and breeding livestock will be used only as secondary collateral except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The applicant shall be liable to pay for all appraisal fees which are incurred when the value of the collateral is established.

i) Fund. To implement and carry out the objectives of the SGPAI, there is created outside of the State's Treasury a special fund to be known as the Illinois Farmer and Agribusiness Loan Guarantee Fund. [20 ILCS 3605/12.2]

1) The Authority is authorized to transfer an amount not to exceed \$15,000,000 to the fund during the SGPAI, Young Farmer Guarantee, and Specialized Livestock Guarantee. [20 ILCS 3605/12.2]

2) The State will not be liable for more than \$15,000,000 to secure State Guarantees issued under this Section, Young Farmer Guarantees under Section 1400.146, and Specialized Livestock Guarantees under Section 1400.148

3) In the event of default by the farmer or agribusiness on State Guarantee Loans, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinquency. [20 ILCS 3605/12.2] The Authority shall direct a single payment equal to 85% of the outstanding principal plus interest accrued since the date payment was due.

4) The fund shall be reimbursed for any amount paid under this subsection upon liquidation of the collateral. [20 ILCS 3605/12.2]

j) Priority of Applications. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents.

k) Guarantors and Additional Collateral. An applicant for a State Guarantee loan may have a guarantor co-sign the note and/or pledge additional collateral for the State Guarantee loan if the lender and the Authority determine that the applicant alone cannot provide sufficient collateral.

l) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owned on the State Guarantee to the holder of the State Guarantee within 30 days after receiving an appropriate request from the lender certifying that the 90-day delinquency period has elapsed.

m) Prepayment of Loan. The frequency of payments due on a SGPAI loan shall be determined on a case by case basis. Payment schedules will be tailored to match the operation's income. The loan may be prepaid in full or in part without penalty at any time during the term of the loan.

n) Assumption of Loans. State Guarantee loans may not be assumed except

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with the approval of the Authority Board of Directors. Approval will be granted only in unusual circumstances such as death of the borrower with assumption by a family member.

- o) Total Obligations Through the SQPAI. The Authority shall guarantee up to \$50,000,000 in loans through the SQPAI, the Young Farmer Guarantee, and the Specialized Livestock Guarantee. The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$15,000,000 to cover any losses.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

- 2) Code Citation: 89 Ill. Adm. Code 686

- 3) Section Numbers: Proposed Action:

686.600	Amend
686.610	Amend
686.620	Amend
686.640	Amend
686.650	Add
686.700	Amend
686.710	Amend
686.720	Add

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) A Complete Description of the Subjects and Issues involved: This rulemaking amends and adds to this Part in Sections 686.600, Environmental Modifications, and 686.700, Assistive Devices. These amendments remove references to the repealed rule 44 Ill. Adm. Code 1175. Also amended is the length, from 12 to 24 months, of the amortization of the cost of these two services. This will allow more customers to receive these services. The rulemaking also adds subsections to detail bidding requirements.

- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable):

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762

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(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing these types of service.
- B) Reporting, bookkeeping or other procedures required for compliance: Common business practices.
- C) Types of professional skills necessary form compliance: Normal business skills.

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 686

PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section
686.10
686.20
686.25
686.30
686.40

Personal Assistant (PA) Requirements
Services Which May Be Provided by a PA
Criminal Background Check
Annual Review of PA Performance
Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section
686.100
686.110
686.120
686.130
686.140

Adult Day Care (ADC) Provider Requirements
Services Which Must Be Provided by ADC Providers
Compliance Review of ADC Providers
Appeal of Compliance Review for ADC Providers
Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section
686.200
686.210
686.220
686.230
686.240
686.250
686.260
686.270
686.280

Homemaker Service Provider Requirements
Services Which Must Be Provided by Homemaker Agencies
Compliance Review of Homemaker Agencies
Appeal of Compliance Review for Homemaker Agencies
Payment for Homemaker Services
Financial Reporting of Homemaker Services
Unallowable Costs for Homemaker Service
Minimum Direct Service Worker Costs for Homemaker Services
Cost Categories for Homemaker Services

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section
686.300
686.310
686.320
686.330
686.340
686.350

Electronic Home Response Services (EHRS) Provider Requirements
Services Which Must Be Provided by EHRS Providers
Minimum Specifications for EHRS Equipment
Compliance Review of EHRS Providers
Appeal of Compliance Review for EHRS Providers
Rate of Payment for EHRS Services

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SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section
686.400 Maintenance Home Health Provider Requirements
686.410 Rate of Payment for Maintenance Home Health Services

SUBPART F: HOME DELIVERED MEALS

Section
686.500 Home Delivered Meals Provider Requirements
686.510 Rate of Payment for Home Delivered Meals

SUBPART G: ENVIRONMENTAL MODIFICATION

686.600 Environmental Modification Provider Requirements
686.610 Cost of Environmental Modification
686.620 Permanency of Environmental Modification
686.630 Reason for Denial of Environmental Modification
686.640 Verification of Environmental Modification
686.650 Payment for Environmental Modification

SUBPART H: ASSISTIVE EQUIPMENT

Section
686.700 Assistive Equipment Provider Requirements
686.710 Provision of Assistive Equipment
686.720 Verification of Receipt of Assistive Equipment
686.730 Payment for Assistive Equipment

SUBPART I: RESPIRE CARE

Section
686.800 Respite Care Provider Requirements

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section
686.900 Program Overview
686.910 Case Management Provider Responsibilities
686.920 Provider Staffing Requirements, Qualifications, and Training
686.930 Monitoring and Liability of Provider
686.940 Provider Compliance Requirements

SUBPART K: CASE MANAGEMENT SERVICES TO PERSONS WITH BRAIN INJURIES

Section
686.1000 Program Overview
686.1010 Case Management Provider Responsibilities

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686.1020 Case Manager Staffing Requirements, Qualifications and Training
686.1025 Provisional Case Manager
686.1030 Monitoring and Liability
686.1040 Provider Compliance Requirements

SUBPART L: BEHAVIORAL SERVICES FOR PERSONS WITH BRAIN INJURIES

Section
686.1100 Behavioral Services Provider Requirements
686.1110 Rate of Payment for Behavioral Services

SUBPART M: DAY HABILITATION SERVICES FOR PERSONS WITH BRAIN INJURIES

Section
686.1200 Day Habilitation Services Provider Requirements
686.1210 Rate of Payment for Day Habilitation Services

SUBPART N: PREVOCATIONAL SERVICES FOR PERSONS WITH BRAIN INJURIES

Section
686.1300 Prevocational Services Provider Requirements
686.1310 Rate of Payment for Prevocational Services

SUBPART O: SUPPORTED EMPLOYMENT SERVICES FOR PERSONS WITH BRAIN INJURIES

Section
686.1400 Supported Employment Service Provider Requirements
686.1410 Rate of Pay for Supported Employment Services

APPENDIX A Acceptable Human Service Degrees

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18945, effective October 1, 1998; amended at 22 Ill. Reg. 19262, effective October 1, 1998; amended at 23 Ill. Reg. 499, effective December 22, 1998; amended at 23 Ill. Reg. 6457, effective May 17, 1999; amended at 24 Ill. Reg. 7501, effective May 6, 2000; amended at 24 Ill. Reg. 10212, effective July 1, 2000; amended at 24 Ill. Reg. 18174, effective November 30, 2000; amended at 25 Ill. Reg. 6282, effective May 15, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART G: ENVIRONMENTAL MODIFICATION

Section 686.600 Environmental Modification Provider Requirements

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All vendors which provide Environmental Modification services must:

- a) be selected pursuant to the bidding requirement found at 89 44 Ill. Adm. Code 686.650 1175;
- b) meet the approval of the customer and counselor;
- c) carry at least \$500,000 in liability insurance, and provide DHS with a copy of the Certificate of Insurance verifying the coverage; and
- d) perform all modifications so that they meet the standards established by the Capital Development Board at 71 Ill. Adm. Code 400 - Accessibility Standards; and
- e) provide proof of Worker's Compensation insurance if vendor has employees.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 686.610 Cost of Environmental Modification

The cost of environmental modification, when amortized over a 24 12 month period and added to all other monthly service costs, may not exceed the SCM (89 Ill. Adm. Code 679) established for the customer's case.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 686.620 Permanency of Environmental Modification

For environmental modifications which cannot be detached from the dwelling, the home must be owned by the customer or other family member living in the home, or the customer, with the assistance of the counselor, must obtain written permission of the landlord to make the modifications and to ensure that the landlord understands the permanency of the modification and DHS-ORS inability to return the building to its previous condition. This permission shall be on the DHS-ORS Agreement.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 686.640 Verification of Environmental Modification

Within 30 days of the date of completion of the environmental modification, the counselor must make a home visit to inspect the modifications and to ensure customer satisfaction with the modification. Signed verification from the customer on the Receipt for Appliances, Merchandise and Supplies form shall be required to verify receipt and satisfaction with the modification.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 686.650 Payment for Environmental Modification

Environmental modifications costing in excess of \$1500 require at least three bids. The payment shall be the cost of the lowest responsive bid. A responsive bid is one that conforms in all respects with the invitation to bid.

A sole source procurement is permissible when an item is only available from one provider. This requirement for a specific item does not justify a sole source procurement if there is more than one potential bidder or authorized provider of the item.

(Source: Added at 25 Ill. Reg. _____, effective _____)

SUBPART H: ASSISTIVE EQUIPMENT

Section 686.700 Assistive Equipment Provider Requirements

All vendors which provide Assistive Equipment services must:

- a) be selected pursuant to the bidding requirement found at 89 44 Ill. Adm. Code 730 1175; and
- b) meet the approval of the customer and counselor.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 686.710 Provision of Assistive Equipment

a) Assistive equipment may be provided to a customer if:

- 1) there are no other resources, public or private, which will provide the equipment;
- 2) the cost of providing the equipment, when amortized over a 24 12 month period and added to all other service costs, does not exceed the SCM (89 Ill. Adm. Code 679) established for the customer's case; and
- 3) the equipment reduces the need for an existing service and/or anticipated increase in a service provided through HSP.

b) Assistive equipment may be purchased, rented, or repaired for a customer, based on the following:

- 1) assistive equipment shall be purchased when:
 - A) the customer is expected to need the equipment for a period to exceed 1 year;
 - B) the cost of renting the equipment exceeds the purchase price of the equipment; or
 - C) the equipment is not available for rental;
- 2) assistive equipment shall be rented for a customer when:
 - A) the customer is not expected to need the equipment for an extended period of time (i.e., less than 1 year); and
 - B) the rental cost for the equipment for the period the

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- customer is expected to need the equipment is less than the purchase price for the equipment; and
- 3) assistive equipment shall be repaired for a customer when:
- A) the equipment is already in the possession of the customer;
 - B) the repair cost is less than the rental or purchase price for the same equipment; and
 - C) the equipment, when repaired, is expected to have an increased useful life of at least 1 year.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 686.730 Payment for Assistive Equipment

At least three bids are required for assistive equipment costing in excess of \$1500. A sole source purchase is permissible when an item is only available from one provider.

(Source: Added at 25 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Recovery of Misspent Funds
- 2) Code Citation: 89 Ill. Adm. Code 527
- 3) Section Numbers: Proposed Action:
527.100 Amendment
- 4) Statutory Authority: Authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking amends the subsection on the initial collection activity taken by the Department of Human Services-Office of Rehabilitation Services to recoup misspent funds. The amendments update the rulemaking to reflect the current practices of the State.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives if applicable: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those that provide services to DHS.

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B) Reporting, bookkeeping or other procedures required for compliance: Accurate time sheets and other records.

C) Types of professional skills necessary form compliance: Normal business skills.

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 527

RECOVERY OF MISSPENT FUNDS

Section

- 527.10 General Statement of Purpose and Applicability
- 527.100 Initial Collection Activity
- 527.200 Informal Hearing (Repealed)
- 527.300 Formal Hearing (Repealed)

AUTHORITY: Authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 10 Ill. Reg. 3840, effective February 7, 1986; amended at 14 Ill. Reg. 18844, effective November 7, 1990; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 23 Ill. Reg. 4531, effective April 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10830, effective August 23, 1999; amended at 25 Ill. Reg. _____, effective _____.

Section 527.100 Initial Collection Activity

- a) The DHS-ORS employee who is responsible for authorizing payments to the recipient of funds must monitor all such payments for proper expenditure. Upon discovering that such funds are being used for purposes other than those specified by the grant or contract entered into by the recipient, this employee must notify the DHS-ORS Central Office. The investigator in Central Office shall make a determination as to whether funds have been misspent or fraud has occurred based on the data provided by the employee.
 - 1) If it is determined that funds were not misspent, the employee shall be instructed not to take any further actions.
 - 2) If it is determined fraud may have occurred, depending on the monetary amount involved, the matter shall be referred to the Illinois Department of State Police for disposition. The matter may also be referred to the Illinois State Treasurer's Office to assist in recouping funds, if forgery is involved.
 - 3) If it is determined that funds were misspent, the recipient of the funds shall be requested to sign an Agreement for Repayment of Funds (IL488-1642) (Agreement).
- b) If the recipient of the funds agrees to pay back the misspent monies, DHS-ORS will agree to allow the recipient to pay back the funds in allotments, over a reasonable period of time. The time period shall be based on the amount of money to be paid back and the ability of the recipient to repay. The the Agreement to repay shall will-verify--the

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include the amount of money to be paid back, the schedule of payments and the date payments shall begin and end agreed-to-by--the--employee and--the-recipient--and-to-whom-the-amount-is-payable. A copy of this Agreement shall be sent to the investigator in Fiscal--Division--Springfield. The investigator shall work with the Bureau of Collections, Revenue Management to assure an account is established and that the Agreement is followed. Monthly statements shall show each payment received and the remaining balance due. If payments are not received in a timely manner as outlined in the Agreement, the account shall be considered in default and the matter shall be referred to the Bureau of Collections for all collection activity. DHS-ORS will agree to allow the recipient to pay back the--funds--in allotments--over-a-reasonable-period-of-time--based-on-the-amount-of-the funds--and-the-ability-of-the-recipient-to-repay. As an alternative to direct repayment of funds, DHS-ORS will agree to allow the amount of repayment to be offset against existing or future grants upon the request of the recipient. If--a-payment-is-not-received-within-10 working-days-after-the-due-date--the--Fiscal--Division--shall--send--a letter--to-the-recipient--stating--that--payment--has--not--been--received--and--that--legal--action--shall--be--taken--to--collect--the--entire--remaining balance--This-letter--shall--contain--the--date--and--content--of--the original--agreement--and--the--date--the--debt--shall--be--determined delinquent--(which--shall--be--35--calendar--days--from--the--date--of--the letter)--

c) If no agreement is reached between the employee and the recipient to pay back the misspent funds, the employee must prepare a memorandum to his/her supervisor (or other DHS-ORS staff with supervisory responsibility for a particular grant or contract) providing information on what attempts have been made to date to collect the funds.

d) The employee's supervisor shall prepare a letter to the recipient to notify him/her that actions to collect the funds will proceed and contain information regarding the recipient's right to appeal under 89 Ill. Adm. Code 508.

e) The letter from the employee's supervisor to the recipient shall be sent by certified mail with return receipt requested and will include a copy of DHS rules, 89 Ill. Adm. Code 508, as well as:

- 1) a summary of the information contained in the original report provided per subsection (a) of this Section (including the identification of the allegedly misspent money, the amount of money which was allegedly misspent, the basis on which this amount was determined, and the basis on which it was determined that the money was allegedly misspent);
- 2) a statement that the supervisor has reviewed the facts in question and Central Office has determined that the collection of these funds is appropriate;
- 3) notice that DHS will initiate collection procedures for the allegedly misspent money after 30 days unless the recipient

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requests a hearing in writing under 89 Ill. Adm. Code 508, or signs an Agreement;

4) a statement that this request for a hearing must be made to the individual's supervisor (including that person's name and address).

f) If the recipient does not request the hearing within 35 90 days, the supervisor will notify the investigator Fiscal--Division in Central Office who shall attempt to contact the recipient and after two attempts shall set up a receivable account with the Bureau of Collections for all collection activity to complete an--involuntary Withholding-Request--(Form-C-33)--and--send--the--completed--form--to--the Comptroller's-Office--(15--HES-405/10-05).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Liquor Control Commission

2) Code Citation: 11 Ill. Adm. Code 100

3) Section Numbers: Proposed Action:
100.410 New Section

4) Statutory Authority: 235 ILCS 5/3-12(a)(2)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will add a Section to allow representation in any matters pending with the Commission by an individual licensee, limited or general partner, corporate officer or director or anyone designated via Power of Attorney.

6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed new section contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Anne T. Treonis, Staff Attorney
Illinois Liquor Control Commission
100 W. Randolph St., #5-300
Chicago IL 60601
(312)814-2604

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE A: ALCOHOL

CHAPTER 1: ILLINOIS LIQUOR CONTROL COMMISSION

PART 100

THE ILLINOIS LIQUOR CONTROL COMMISSION

Section	
100.5	Penalties
100.10	Definitions
100.20	Employment of Minors
100.30	Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation
100.40	Registration of Tasting Representatives
100.50	Advertising
100.60	Geographical Territories
100.70	Labels
100.80	Bonds (Repealed)
100.90	Credit to Retail Licensees
100.100	Internal Changes Within Corporations
100.110	Application Forms
100.120	Railroad Licenses
100.130	Books and Records
100.140	Miniatures (Repealed)
100.150	Salvaged Alcoholic Liquors
100.160	Sanitation
100.170	Taps
100.180	Procedure Before Commission on Citations
100.190	Procedure Before Commission on Request for Continuance of Any Hearing
100.200	Wagering Stamps (Repealed)
100.210	Inducements
100.220	Retail Licensee Clubs (Repealed)
100.230	Resumption of Business on Appeal
100.240	Transactions Involving Use of Checks and Their Equivalent (Repealed)
100.250	Transfer of Alcohol
100.260	Uniform Systems of Accounts
100.270	Multi-Use Facilities
100.280	Giving Away of Alcoholic Liquors
100.290	Refilling
100.300	Authorization to Remove Bottles
100.310	Food Service at Park Districts
100.320	Airplanes
100.330	Advertising
100.340	Petitions for the Adoption, Amendment or Repeal of a Rule
100.350	Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner
100.360	Review on Record -- Certification of Ordinance
100.370	Procedures Before the Commission

LIQUOR CONTROL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

100.380	Ex Parte Consultations
100.390	Transcripts--Administrative Review
100.400	Procedures Before the Commission on Disputes under Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act
100.410	Representation of Licensees Before the Commission Ex--Parte Consultations--(Renumbered)

AUTHORITY: Implementing and authorized by Section 3-12(a)(2) of the Liquor Control Act [235 ILCS 5/3-12(a)(2)].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469, effective January 2, 1996; amended at 21 Ill. Reg. 5542, effective May 1, 1997; amended at 23 Ill. Reg. 3787, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 8687, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13609, effective October 28, 1999; amended at 25 Ill. Reg. _____, effective _____.

Section 100.410 Representation of Licensees before the Commission Ex--Parte Consultations--(Renumbered)

In connection with any matter pending before the Commission:

- Any licensee may be represented by an attorney who is admitted to practice in the State of Illinois or a representative if a power of attorney is executed.
- A sole proprietor licensee may appear and represent him or herself and may be represented by a person under authority of a properly executed power of attorney.
- A partnership licensee may be represented by any general or limited partner, upon representation to the Commission from a majority of the partnership authorizing him or her to act.
- A corporate licensee may be represented by a sole or majority shareholder or an officer if authorized to act.
- A limited liability company licensee may be represented by a member, upon representation to the Commission from a majority of members authorizing him or her to act.

All attorneys and licensees, or their agents as designated in this Section, shall file an appearance using the form the Commission has promulgated, or a reasonable facsimile of that form.

(Source: Old Section 100.410 renumbered to Section 100.380 at 8 Ill. Reg. 6041, effective April 19, 1984; new Section 100.410 added at 25 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3) Section numbers: Proposed Action:

611.102	Amend
611.110	Amend
611.130	Amend
611.261	Amend
611.262	Amend
611.301	Amend
611.330	Repeal, Add
611.331	Amend
611.350	Amend
611.351	Amend
611.353	Amend
611.356	Amend
611.357	Amend
611.358	Amend
611.510	Amend
611.521	Amend
611.601	Amend
611.602	Amend
611.603	Amend
611.609	Amend
611.720	Amend
611.731	Amend
611.732	Amend
611.733	Add
611.745	Amend
611.901	Amend
611.902	Amend
611.903	Amend
611.904	Amend
611.908	Amend
611.909	Amend
APPENDIX A	Amend
APPENDIX G	Amend
APPENDIX H	Amend

4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of June 21, 2001, proposing amendments in docket R01-20 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register

POLLUTION CONTROL BOARD

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before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois drinking water regulations based on the federal Safe Drinking Water Act (SDWA), 42 U.S.C. 300f et seq. (1998), rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R01-20 SDWA Update, USEPA Amendments (July 1, 2000, through December 31, 2000; Radionuclides)

The R01-20 docket amends rules in Part 611. USEPA amended the federal SDWA regulations on only one occasion during the period July 1, 2000, through December 31, 2000. The following table briefly summarizes the federal actions in the update period:

65 Fed. Reg. 76708 (December 7, 2000) USEPA adopted national primary drinking water regulations (NPDWRs) for radionuclides.

In addition to the amendments driven by the federal action of December 7, 2000, the Illinois Environmental Protection Agency (IEPA) submitted a series of requests for corrections to the existing text of Part 611. Upon examination of the text of Part 611, the Board has discovered a number of errors similar to those cited by the IEPA. The Board has included many of the requested corrections for the purposes of public comment, including corrections of the additional, similar errors that we have discovered.

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of June 21, 2001, in docket R01-20. Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Table 1:

Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
611.102(b) NTIS		
"Maximum Permissible Body..."	141.66(g)	Added a comma before "as amended" to offset a parenthetical

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- 611.130(g) 142.65 Changed the entire federal section into a subsection; added the federal effective date in parentheses
- 611.130(g) 142.65 Changed the entire federal section into a subsection; added the federal effective date in parentheses
- 611.130(g)(1) 142.65(a)(1) Changed "variances and exemptions" to "relief"
- 611.130(g)(1)(A) 142.65(a)(1)(i) Replaced "the Administrator... the following" with the cross-reference "Section 611.330(g)... has identified"; added the standard abbreviation "BAT" in parentheses; deleted the parenthetical "as shown...this paragraph"; deleted Table A in favor of a reference to identical information in Section 611.330(g)
- 611.130(g)(1)(B) 142.65(a)(1)(ii) Replaced "the Administrator... the following" with the cross-reference "to the technologies listed...has identified"; changed "best available technology" to "BAT"; deleted the parenthetical "as shown...this paragraph"; deleted Table C in favor of a reference to identical information in the second table in Section 611.330(h)
- 611.130(g)(2) 142.65(a)(2) Changed "a State shall" to "the Board will"; changed "community water systems" to "a CWS supplier"; changed "and/or" to "and"; changed "Table A to this section" to "Section 611.330(g)"; changed "Table B and Table C of this section" to "listed in Section 611.330(h)"; changed "shall" to "will"; removed "under...the Act"

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- 611.130(g)(3) 142.65(a)(3) Changed "community water system" to "CWS supplier"; changed "State" to "Board"
- 611.130(g)(4) 142.65(a)(4) Changed "State" to "Agency"; changed "the Administrator... may" to "it may request that the Board"; changed "system" to "supplier"; changed "and/or" to "and"; changed "under...the Act" to "pursuant to...the Act"; changed "State's" to "Agency's"; changed "shall" to "must"
- 611.130(g)(5) 142.65(a)(5) Changed "State" to "Board"; added a comma after "devices" to offset the final element of a series; changed "a variance or an exemption" to "relief equivalent to...exemption"
- 611.130(g)(6) 142.65(a)(6) Changed "community water systems that use" to "a CWS supplier"; changed "a variance or an exemption" to "relief equivalent to...exemption"
- 611.130(g)(7) 142.65(a)(7) Changed "community water systems that use" to "a CWS supplier"; changed "a variance or an exemption" to "relief equivalent to...exemption"
- 611.130(g) Board note 142.65 Added a note citing the federal source of this subsection
- 611.330(a) 141.66(a) Replaced the federal "reserved" marking with explanatory language
- 611.330(d)(2) 141.66(d)(2) Changed "table A" to "the following table"; changed "2 liter per day" to "two liters per day"; added a comma before "using" to offset a parenthetical; hyphenated "168-hour"; added "set forth"; added cross-reference for incorporation by reference; added "available

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611.330(d)(2) table	141.66 Table A	from the" Removed "Table A" from the table heading; removed the number from the first column heading and renumbered tritium and strontium-90 as "1" and "2," respectively; changed "shall" to "must"
611.330(f)	141.66(f)	Removed the subsection heading "Compliance dates" and the subsection designation "(1)" in the absence of a second subsection; changed "Community water systems" to singular lower-case "a CWS supplier"; changed "(b), (c), (d), and (e)" to "(b) through (e)"; added a comma after "2003" to offset a parenthetical; changed "shall" to "must"; changed "on December 8, 2003" to "before December 8, 2003"
611.330(g)	141.66(g)	Changed "the Administrator..." hereby identifies" to "USEPA has identified the technologies"; added "as"; added the standard abbreviation "BAT" in parentheses; changed "maximum contaminant levels" to the standardized abbreviation "MCLs"
611.330(h) table	141.66 Table B	Removed "Table B" from the table heading; added a period after the numbers preceding the first-column entries
611.330(h) table note 1	141.66 Table C	Removed "Table C" from the table heading; added a period after the numbers preceding the first-column entries
611.330(h) table note 1	141.66 Table C note 1	Added quotation marks to the reference title "Safe Water... Small Communities"; offset "National Academy Press" with commas

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611.330(h) table note c	141.66 Table C note c	Added a Board note to explain and amplify the federal language "See other...Technologies Table" by reference to the August 6, 1998 issue of the Federal Register
611.330(h) table	141.66 Table D	Removed "Table D" from the table heading; added a period after the numbers preceding the first-column entries
611.330(h) table note 1	141.66 Table D note 1	Changed "in the table C of 141.66(h)" to "in the table, 'List of Small...to Use,' set forth above"
611.720(c)(1)	141.25(c)(1)	Added a comma before "the detection limit" to offset a parenthetical; retained "must" in place of "shall"; added "set forth in"; changed "Table B to this paragraph" to "the following table"; changed the ending punctuation to a colon
611.720(c)(1) table	141.25 Table B	Removed "Table B" from the table heading; changed "reserved" to "none" in the entry for uranium; added a Board note explaining the source of the table
611.720(c)(2)	141.25(c)(2)	Added a comma before "the detection limits" to offset a parenthetical; retained "must" in place of "shall"; changed "Table C to this paragraph" to "the following table"; changed the ending punctuation to a colon
611.720(c)(2) table	141.25 Table C table	Removed "Table C" from the table heading; revised the Board note to explain the source of the table
611.731	141.26(a)	Retained the material from 40 C.F.R. 141.26(a) as a separate Section 611.731; retained the existing text of 40 C.F.R. 141.26(a) as subsections (a) through (d), and added the text of amended 40

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C.F.R. 141.26(a) as subsections (e) through (i)

611.731(a)	141.26(a)(1)	Added "effective December 8, 2003"; changed the subsection level; changed "community water systems (CWSs)" to singular "a community water system (CWS) supplier"	
611.731(a)(1)	141.26(a)(1)(i)	Changed the subsection level; changed "existing community water systems" to singular "an existing CWS supplier" (twice); changed "using ground water, surface water or systems using both ground water and surface water" to "using groundwater, surface water, or both groundwater and surface water"; changed "systems" to "a supplier"; changed "system" to "supplier"; changed "State" to "Agency"	
611.731(a)(2)	141.26(a)(1)(ii)	Changed the subsection level; changed "new community water systems" to singular "a new CWS supplier"; changed "all new CWSs or CWSs that use" to "a new CWS supplier or a CWS supplier that uses"; changed "CWSs" to "a CWS supplier"; changed "State" to "Agency"; changed "which" to "that" for a restrictive relative clause	
611.731(b)	141.26(a)(2)	Added "effective December 8, 2003"; changed the subsection level; changed "systems" to "a CWS supplier"	
611.731(b)(1)	141.26(a)(2)(i)	Changed the subsection level; changed "systems" to "a CWS supplier"	
611.731(b)(2)	141.26(a)(2)(ii)	Changed the subsection level; changed "States may allow" to "a CWS supplier may use"; changed	
611.731(b)(2)(A)	141.26(a)(2)(A)	Changed the subsection level; changed "community water system" to "CWS supplier"	
611.731(b)(2)(B)	141.26(a)(2)(B)	Changed the subsection level; changed "community water system" to "CWS supplier"	
611.731(b)(2)(C)	141.26(a)(2)(C)	Changed the subsection level; changed "community water system" to "CWS supplier"; changed "State" to "Agency" (twice); changed "a written finding" to "its finding in writing"; added "by a SEP...Section 611.110" as a parenthetical; changed "these requirements" to "the requirements of this subsection (b)(2)"	
611.731(b)(3)	141.26(a)(2)(3)	Changed the subsection level; changed "State" to "Agency"; added "by a SEP...Section 611.110" as a parenthetical	
611.731(b)(4)	141.26(a)(2)(iv)	Changed the subsection level; changed "system" to "supplier" (twice); changed "State" to "Agency"	
611.731(c)	141.26(a)(3)	Added "effective December 8, 2003"; changed the subsection level; changed "States" to "the Agency"; changed "community water systems" to "a CWS supplier"; changed the ending punctuation from a period to a colon	
611.731(c)(1)	141.26(a)(3)(i)	Changed the subsection level; changed "Table B in" to "the table at"; changed "system" to "supplier"	

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"for the following" to "under the following"

611.731(b)(2)(A)	141.26(a)(2)(ii)(A)	Changed the subsection level; changed "community water system" to "CWS supplier"	
611.731(b)(2)(B)	141.26(a)(2)(ii)(B)	Changed the subsection level; changed "community water system" to "CWS supplier"	
611.731(b)(2)(C)	141.26(a)(2)(ii)(C)	Changed the subsection level; changed "community water system" to "CWS supplier"; changed "State" to "Agency" (twice); changed "a written finding" to "its finding in writing"; added "by a SEP...Section 611.110" as a parenthetical; changed "these requirements" to "the requirements of this subsection (b)(2)"	
611.731(b)(3)	141.26(a)(2)(iii)	Changed the subsection level; changed "State" to "Agency"; added "by a SEP...Section 611.110" as a parenthetical	
611.731(b)(4)	141.26(a)(2)(iv)	Changed the subsection level; changed "system" to "supplier" (twice); changed "State" to "Agency"	
611.731(c)	141.26(a)(3)	Added "effective December 8, 2003"; changed the subsection level; changed "States" to "the Agency"; changed "community water systems" to "a CWS supplier"; changed the ending punctuation from a period to a colon	
611.731(c)(1)	141.26(a)(3)(i)	Changed the subsection level; changed "Table B in" to "the table at"; changed "system" to "supplier"	

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- 611.731(c)(2) 141.26(a)(3)(ii) Changed the subsection level; changed "1/2" to "one-half" (twice); changed "system" to "supplier" (twice)
- 611.731(c)(3) 141.26(a)(3) Changed the subsection level; changed "1/2" to "one-half" (twice); changed "system" to "supplier" (twice)
- 611.731(c)(4) 141.26(a)(3)(iv) Changed the subsection level; changed "systems" to "a supplier"; changed "system's" to "supplier's"; changed "1/2 MCL" to "one-half the MCL"
- 611.731(c)(5) 141.26(a)(3)(v) Changed the subsection level; changed "system" to "supplier" (five times); changed "State" to "Agency"
- 611.731(d) 141.26(a)(4) Added "effective December 8, 2003"; changed the subsection level; changed to lower-case "to"; changed "system" to "supplier" (twice); changed "States will treat analytical results from the composited" to "the analytical results from the composited sample must be treated"; changed "1/2 MCL" to "one-half the MCL"; changed "State" to "Agency"; added "by a SEP...Section 611.110" as a parenthetical
- 611.731(e) 141.26(a)(5) Added "effective December 8, 2003"; changed the subsection level; added a comma before "provided" to offset a parenthetical; subdivided the second paragraph into three subsections
- 611.731(e)(1) 141.26(a)(5)(i) Separated into a separate subsection; changed "shall" to "must"

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- 611.731(e)(2) 141.26(a)(5)(ii) Separated into a separate subsection; changed "system" to "supplier"; changed "and/or" to "or"
- 611.731(e)(3) 141.26(a)(5) Separated into a separate subsection; changed "1/2" to "one-half"
- 611.731(f) 141.26(a)(1) Renumbered subsection; added parenthetical "until December 8, 2003"
- 611.731(g) 141.26(a)(2) Renumbered subsection (as removed effective December 8, 2003)
- 611.731(h) 141.26(a)(3) Renumbered subsection; added parenthetical "until December 8, 2003"
- 611.731(i) 141.26(a)(4) Renumbered subsection; added "until December 8, 2003"
- 611.732 141.26(b) Retained the material from 40 C.F.R. 141.26(b) as a Separate Section 611.732; retained the existing text of 40 C.F.R. 141.26(b) as subsections (a) through (f), and added the text of amended 40 C.F.R. 141.26(b) as subsections (g) through (k)
- 611.732 preamble 141.26(b) Changed the subsection level; changed "system" to "supplier"
- 611.732(a) 141.26(b)(1) Added "effective December 8, 2003"; changed the subsection level; changed "community water systems (both surface and ground

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water)" to singular "a CWS supplier (either a surface water or groundwater supplier)"; changed "State" to "Agency" (four times); added "by a SEP...Section 611.110" as a parenthetical (twice); changed "systems" to singular "a supplier" (twice)

611.732(a)(1) 141.26(b)(1)(i) Changed the subsection level; changed "State" to "Agency"; changed numeric "3" to written "three"; changed "systems" to singular "a supplier"

611.732(a)(2) 141.26(b)(1)(ii) Changed the subsection level; changed "systems" to singular "a supplier"; changed "State" to "Agency" (twice); changed "CWS" to "CWS supplier"; changed "system's" to "supplier's" (twice); added "by a SEP...Section 611.110" as a parenthetical; changed "systems which are" to singular "a supplier that is"; changed "point(s)" to "points"

611.732(b) 141.26(b)(2) Added "effective December 8, 2003"; changed the subsection level; changed "community water systems (both surface and ground water)" to singular "a CWS supplier (either a surface water or groundwater supplier)"; changed "State" to "Agency" (four times); added "by a SEP...Section 611.110" as a parenthetical (twice); changed "systems" to singular "a supplier" (three times)

611.732(b)(1) 141.26(b)(2)(i) Changed the subsection level; changed "shall" to "must"; replaced USEPA recommendation re the use of three monthly samples with a Board note relating the fact of the

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611.732(b)(2) 141.26(b)(2)(ii) Changed the subsection level; changed "shall" to "must"; changed "as ordered by the State ...shall be analyzed" to "the Agency may, by a SEP... order" changed "when iodine-131" to "for iodine-131 where it"

611.732(b)(3) 141.26(b)(2) (iii) Changed the subsection level; changed "shall" to singular "must"; replaced USEPA recommendation re the use of three monthly samples with a Board note relating the fact of the recommendation

611.732(b)(4) 141.26(b)(2)(iv) Changed the subsection level; changed "State" to "Agency"; added "by a SEP...Section 611.110" as a parenthetical; changed "every 3 years" to "once every three years"; changed "systems" to singular "the supplier"

611.732(b)(5) 141.26(b)(2)(v) Changed the subsection level; changed "systems" to singular "a supplier" (twice); changed "State" to "Agency"; added "by a SEP... Section 611.110" as a parenthetical; changed "which" to "that for a restrictive relative clause (twice); changed "a particular" to "the particular"; changed "are using" to "uses" added "such"; changed "system's" to "CWS's"; changed "point(s)" to "points"

611.732(c) 141.26(b)(3) Added "effective December 8, 2003"; changed the subsection level; changed "community water systems" to singular "a CWS supplier"; changed "State" to "Agency" (twice)

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611.732(d)	141.26(b)(4)	Added "effective December 8, 2003"; changed the subsection level; changed "community water systems" to singular "a CWS supplier"; changed "systems are" to singular "a supplier is"
611.732(e)	141.26(b)(5)	Added "effective December 8, 2003"
611.732(f)	141.26(b)(6)	Added "effective December 8, 2003"; changed the subsection level; changed "systems... exceed" to singular "a supplier... exceeds"; corrected the spelling of "exceedence"; changed "point(s)" to "points"; changed "which" to "that" for a restrictive relative clause (twice); changed "systems" to singular "a supplier"; changed "system" to "supplier"; changed "3" to "three"; changed "systems... establish...they meet" to singular "a supplier... establishes...it meets"
611.732(g)	141.26(b)(1)	Renumbered subsection; added parenthetical "until December 8, 2003"
611.732(h)	141.26(b)(2)	Renumbered subsection
611.732(i)	141.26(b)(3)	Renumbered subsection; added parenthetical "until December 8, 2003"
611.732(j)	141.26(b)(4)	Renumbered subsection; added parenthetical "until December 8, 2003"
611.732(k)	141.26(b)(5)	Renumbered subsection; added parenthetical "until December 8, 2003"
611.733	141.26(c)	Codified the material from 40 C.F.R. 141.26(b) as a Separate Section 611.733; added the federal effective date as a preamble

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		statement
611.733(a)	141.26(c)(1)	Changed the subsection level; changed "State" to "Agency"; added "by a SEP...Section 611.110" as a parenthetical; changed "compliance determinations" to singular "a compliance determination"
611.733(b)	141.26(c)(2)	Changed the subsection level; corrected "each public water systems" to singular "each PWS supplier"; changed "shall" to "must"; changed "State" to "Agency"
611.733(c)	141.26(c)(3)	Changed the subsection level; used lower-case "compliance" following the colon; changed "shall" to "must"; changed "result(s)" to "results"; changed "system" to "supplier"
611.733(c)(1)	141.26(c)(3)(i)	Changed the subsection level; changed "systems" to singular "a supplier"; changed "system" to "supplier"
611.733(c)(2)	141.26(c)(3)(ii)	Changed the subsection level; changed "systems" to singular "a supplier"; changed "will" to "would"; changed "any sample point" to "any single sampling point"; changed "system" to "supplier"; changed "is out of compliance immediately" to "is compliance immediately out of compliance"
611.733(c)(3)	141.26(c)(3)(iii)	Changed the subsection level; changed "systems" to singular "a supplier"
611.733(c)(4)	141.26(c)(3)(iv)	Changed the subsection level; changed "system" to "supplier"
611.733(c)(5)	141.26(c)(3)(v)	Changed the subsection level; changed "1/2" to "one-half"

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611.733(d)	141.26(c)(4)	Changed the subsection level; changed "States have the discretion to allow" to "the Agency may...allow the supplier to"; added "by a SEP...Section 611.110" as a parenthetical; changed "will" to "would"; changed "any sample point" to "any single sampling point"; changed "is out of compliance immediately" to "is immediately out of compliance"
611.733(e)	141.26(c)(5)	Changed the subsection level; changed "community water system" to "supplier"; changed "State" to "Agency"
611.733 Board note	141.26(c)	Added a note citing the federal source of this subsection

Table 2:
Board Housekeeping Amendments

Section	Source	Revision(s)
611. table of contents	IEPA	Corrected the spelling of "exceedence" in the Section 611.908 heading; corrected the spelling of "exceedences" in the Section 611.909 heading
611.102(a)	Board	Placed commas inside quotation marks (33 times)
611.102(b)	Board	Placed commas inside quotation marks (71 times)
611.102(c)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.110(b)	Board	Changed "no person shall" to "no person may"
611.110(d)(2) Board note	Board	Changed "subsection (d)(2) above" to "subsection (d)(2) of this Section"

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611.110(e)	Board	Changed "shall" to "must"
611.110(e) Board note	Board	Changed "shall" to "must"; changed "subsection (g) below" to "subsection (g) of this Section"
611.110(e)(1)	Board	Changed "shall" to "must"
611.110(e)(2)	Board	Changed "shall" to "must"
611.110(g)	Board	Changed "shall" to "must"
611.110(g) Board note	Board	Changed "subsection (e) above" to "subsection (e) of this Section"; updated the references to the Code of Federal Regulations to the latest edition available (five times); changed "subsection (f) above" to "subsection (f) of this Section"
611.130(a)(1)	Board	Changed "that" to "which" for a subsequent restrictive relative clause; changed "subsection (a)(4) below" to "subsection (a)(4) of this Section"; removed a comma after "system" that separated a two-element series; changed "it" to "that" the application" for enhanced clarity
611.130(a)(2)(A)(i)	Board	Added the definite article "the"
611.130(a)(2)(A)(ii)	Board	Capitalized the opening word "aeration"
611.130(a)(2)(A)(iii)	Board	Added the definite article "the"
611.130(a)(2)(A)(iv)	Board	Added the definite article "the"
611.130(a)(2)(A)(v)	Board	Added the definite article "the"
611.130(a)(3)	Board	Changed "shall" to "must"; changed "35 Ill. Adm. Code 101.Subpart K" to "Subpart I of 35 Ill. Adm. Code 101" to reflect recent procedural rules amendments; changed "subsection (a)(2) above" to "subsection (a)(2) of this Section"
611.130(a)(4)	Board	Added "is as follows"
611.130(a)(4)(A)	Board	Added the definite article "the"

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611.130(a)(4)(B)	Board	Added the definite article "the"
611.130(a)(4)(C)	Board	Capitalized "improved"
611.130(a) Board note	Board	Added "subsection (a)"; updated the reference to the Code of Federal Regulations to the latest edition available; deleted language relating to an additional state requirement and a reference to Section 611.301(c)
611.130(b)(1)	Board	Changed "subsection (b)(4) below" to "subsection (b)(4) of this Section"
611.130(b)(2)(A)(i)	Board	Added the indefinite article "a"
611.130(b)(2)(A)(ii)	Board	Capitalized "alum"
611.130(b)(2)(A)(iii)	Board	Capitalized "electrodialysis"
611.130(b)(2)(A)(iv)	Board	Capitalized "anion"
611.130(b)(2)(A)(v)	Board	Capitalized "well"
611.130(b)(2)(A)(vi)	Board	Added the definite article "the"
611.130(b)(2)(A)(vii)	Board	Capitalized "regionalization"
611.130(b)(3)	Board	Changed "shall" to "must"; changed "35 Ill. Adm. Code 101.Subpart K" to "Subpart I of 35 Ill. Adm. Code 101" to reflect recent procedural rules amendments; changed "subsection (b)(2) above" to "subsection (b)(2) of this Section"
611.130(b)(4)	Board	Added "is as follows"
611.130(b)(4)(A)	Board	Capitalized "activated"
611.130(b)(4)(B)	Board	Capitalized "reverse"
611.130(b) Board note	Board	Added "subsection (b)"; updated the reference to the Code of Federal Regulations to the latest edition available
611.130(c)(1)		

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Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available (twice)
611.130(c)(3)	Board	Changed "shall" to "must"; changed "35 Ill. Adm. Code 101.Subpart K" to "Subpart I of 35 Ill. Adm. Code 101" to reflect recent procedural rules amendments; changed "subsection (c)(2) above" to "subsection (c)(2) of this Section"
611.130(c) Board note	Board	Added "subsection (c)"; updated the reference to the Code of Federal Regulations to the latest edition available
611.130(d)	Board	Changed "subsections (e) and (f) below" to "subsections (e) and (f) of this Section"
611.130(d) Board note	Board	Added "subsection (d)"; updated the reference to the Code of Federal Regulations to the latest edition available
611.130(e)	Board	Changed "subsections (e)(1), (e)(2), (e)(3), and (e)(6) or (e)(4), (e)(5) and (e)(6) below" to "subsections (e)(1), (e)(2), (e)(3), and (e)(6) or (e)(4), (e)(5) and (e)(6) of this Section"
611.130(e)(3)	Board	Changed "shall" to "must"
611.130(e)(5)	Board	Changed "shall" to "must"; changed "subsection (e)(4) above" to "subsection (e)(4) of this Section"
611.130(e)(6)	Board	Changed "shall" to "must"
611.130(e) Board note	Board	Added "subsection (e)"; updated the reference to the Code of Federal Regulations to the latest edition available
611.130(f)(1)	Board	Capitalized "that"
611.130(f)(2)	Board	Capitalized "that"
611.130(f)(3)	Board	Capitalized "that"
611.130(f)(4)	Board	Capitalized "that"

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611.130(f)(5)	Board	Capitalized "that"
611.130(f)(6)	Board	Capitalized "that"
611.130(f)(7)	Board	Capitalized "that"
611.130(f) Board note	Board	Added "subsection (f)"; updated the reference to the Code of Federal Regulations to the latest edition available
611.261(a)(7)	Board	Changed "which" to "that" for a restrictive relative clause
611.261(b)(8)(F)	Board	Corrected the cross-reference to "subsection (b)(8)(A) of this Section"; corrected the cross-reference to "subsection (b)(8)(B) of this Section"; corrected the cross-reference to "subsection (b)(8)(C) of this Section"; corrected the cross-reference to "subsection (b)(8)(D) of this Section"; corrected the cross-reference to "subsection (b)(8)(E) of this Section"
611.261(b)(8)(G)	Board	Corrected the cross-reference to "subsections (b)(8)(A) through (b)(8)(F) of this Section"
611.261(b)(9)	Board	Corrected the cross-reference to "subsections (b)(1) and (b)(3) through (b)(8) of this Section"; corrected the cross-reference to "subsections (b)(1) through (b)(8) of this Section"
611.261(b)(9)(A)	Board	Corrected the cross-reference to "subsections (b)(1) through (b)(8) of this Section"
611.261(c)	Board	Changed "which" to "that" for a restrictive relative clause
611.261(e)(2)	IEPA	Corrected the spelling of "exceedence"
611.261 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available

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611.262(a)(2)	Board	Changed "which" to "that" for a restrictive relative clause
611.262(a)(3)	Board	Changed "which" to "that" for a restrictive relative clause
611.262(c)(2)	Board	Corrected the spelling of "exceedence"
611.262 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.301(c)	Board	Changed "subsection (b) above" to "subsection (b) of this Section"
611.301 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.330 Board note	Board	Updated the reference to the Code of Federal Regulations to reflect the future removal of this provision in the added Federal Register citation, effective December 8, 2003
611.350(b)	Board	Changed "shall" to "must"
611.350(b) "action level"	Board	Changed "subsection (c) below" to "subsection (c) of this Section"; changed "which" to "that" for a restrictive relative clause
611.350(b) "exceed"	Board	Moved a comma inside a quotation mark
611.350(b) "first-draw sample"	Board	Changed numeric "6" to written "six"
611.350(b) "lead service line"	Board	Removed an unnecessary comma
611.350(b) "maximum permissible concentration"	Board	Updated the reference to the Code of Federal Regulations to the latest edition available

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611.350(b) "meet"	Board	Moved a comma inside a quotation mark	611.350(c)(3)(D) 350(d)(1)	Board	Changed numeric "5" to written "five"
611.350(b) "method detection limit"	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	611.350(d)(2)	Board	Changed "shall" to "must"
611.350(b) "monitoring period"	Board	Moved a period inside a quotation mark; moved a comma inside a quotation mark	611.350(e)	Board	Changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"
611.350(b) "multiple-family residence"	Board	Moved a comma inside a quotation mark	611.350(f)	Board	Changed "shall" to "must"
611.350(b) "90th percentile level"	Board	Changed numeric "10" to written "ten"; changed "shall" to "must"; Changed "subsection (c)(3) below" to "subsection (c)(3) of this Section"	611.350(g)	Board	Changed "shall" to "must"
611.350(b) "90th percentile level" Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	611.350(h)	Board	Changed "shall" to "must"
611.350(b) "practical quantitation limit" Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	611.350(i)	Board	Changed "shall" to "must"
611.350(b) "service line sample"	Board	Changed numeric "6" to written "six"	611.350(j)	Board	Changed "shall" to "must"
611.350(b) "small system" Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	611.350(k)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.350(c)(3)	Board	Changed "shall" to "must"	611.351	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.350(c)(3)(A)	Board	Changed "shall" to "must"	611.351(d)(1)	Board	Corrected the spelling of "exceedence"
611.350(c)(3)(C)	Board	Changed "subsection (c)(3)(B) above" to "subsection (c)(3)(B) of this Section"	611.351(d)(1) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available

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611.350(c)(3)(D) 350(d)(1)	Board	Changed numeric "5" to written "five"	611.351	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.350(d)(2)	Board	Changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"	611.351(b)(3)(B)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.350(e)	Board	Changed "shall" to "must"	611.351(c)(1)	IEPA	Corrected the spelling of "exceedence"
611.350(f)	Board	Changed "shall" to "must"	611.351(d)(1)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.350(g)	Board	Changed "shall" to "must"	611.351	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.350(h)	Board	Changed "shall" to "must"	611.351 preamble	Board	Changed "shall" to "must"; changed "subsection (b) below" to "subsection (b) of this Section"
611.350(i)	Board	Changed "shall" to "must"	611.351(a)(1)	Board	Changed "shall" to "must"; changed "subsection (b)(1) below" to "subsection (b)(1) of this Section"
611.350(j)	Board	Changed "shall" to "must"			
611.350(k)	Board	Changed "shall" to "must"			
611.350 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available			
611.351(b)(3)(B) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available			
611.351(c)(1)	IEPA	Corrected the spelling of "exceedence"			
611.351(d)(1) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available			
611.351 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available			
611.351 preamble	Board	Changed "shall" to "must"; changed "subsection (b) below" to "subsection (b) of this Section"			
611.351(a)(1)	Board	Changed "shall" to "must"; changed "subsection (b)(1) below" to "subsection (b)(1) of this Section"			

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611.351(a)(2)	Board	Changed "shall" to "must"; changed "subsection (b)(2) below" to "subsection (b)(2) of this Section"
611.351(a)(3)	Board	Changed "shall" to "must"; changed "subsection (b)(3) below" to "subsection (b)(3) of this Section"
611.351(a)(4)	Board	Changed "shall" to "must"
611.351(a)(5)	Board	Changed "shall" to "must"; changed "subsection (b)(4) below" to "subsection (b)(4) of this Section"; changed numeric "6" to written "six"
611.351(a)(6)	Board	Changed "shall" to "must"; changed "subsection (b)(4) below" to "subsection (b)(4) of this Section"
611.351(b)(1)	Board	Changed "shall" to "must"; changed "subsection (b)(2) below" to "subsection (b)(2) of this Section"
611.351(b)(2)(A)	Board	Changed "shall" to "must"
611.351(b)(2)(B)	Board	Changed "shall" to "must"
611.351(b)(2)(D)	Board	Changed "shall" to "must"
611.351(b)(3)	Board	Changed "shall" to "must"; changed "subsection (b)(2) above" to "subsection (b)(2) of this Section"
611.351(b)(4)(A)	Board	Changed "shall" to "must"
611.351(b)(4)(B)	Board	Changed "shall" to "must" (twice)
611.351(b)(4)(C)	Board	Changed "shall" to "must"; changed "subsection (b)(4)(B) above" to "subsection (b)(4)(B) of this Section"
611.351(b)(5)	Board	Changed "subsection (b)(4)(B) above" to "subsection (b)(4)(B) of this Section"
611.351(b)(6)(A)	Board	Changed "subsection (b)(2) above" to "subsection (b)(2) of this Section"; changed "subsection (b)(4) above" to "subsection (b)(4) of this Section"

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611.351(b)(6)(B)	Board	Changed "shall" to "must"
611.351(b)(6)(D)	Board	Changed "subsection (b)(6)(C) above" to "subsection (b)(6)(C) of this Section"; changed "shall" to "must"
611.351(b)(6)(E)	Board	Changed "subsection (h)(1) above" to "subsection (h)(1) of this Section"
611.351(b)(7)	Board	Changed "subsection (b)(2), (b)(4), or (b)(6) above" to "subsection (b)(2), (b)(4), or (b)(6) of this Section"
611.351(b)(7)(A)	Board	Changed "subsection (a) above" to "subsection (a) of this Section"
611.353 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.353(a)(2)	Board	Changed numeric "6" to written "six"
611.353(a)(3)	Board	Changed numeric "6" to written "six"
611.356(a)(3)(A) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.356(a)(3)(B) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.356(a)(3)(C) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.356(a)(3)(D) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.356(a)(3)(E) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.356(a)(4)(A)(i) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available

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611.356(a)(4)(A)(ii) Board Updated the reference to the Code of Federal Regulations to the latest edition available

611.356(a)(4)(A)(iii) Board note

611.356(a)(4)(A)(iv) Board Updated the reference to the Code of Federal Regulations to the latest edition available

611.356(a)(4)(B)(i) Board note Updated the reference to the Code of Federal Regulations to the latest edition available

611.356(a)(4)(B)(ii) Board note Updated the reference to the Code of Federal Regulations to the latest edition available

611.356(a)(4)(B)(iii) Board note Updated the reference to the Code of Federal Regulations to the latest edition available

611.356(a)(4)(C)(iii) Board note Updated the reference to the Code of Federal Regulations to the latest edition available

611.356(d)(4)(B)(i) Board Changed "subsection (c) above" to "subsection (c) of this Section"

611.356(d)(4)(H) Board note Updated the reference to the Code of Federal Regulations to the latest edition available

611.356(g)(1)(A)(i) Board Changed "which" to "that" for restrictive relative clauses (twice)

611.356 Board note Updated the reference to the Code of Federal Regulations to the latest edition available

611.357(d)(2) IEPA Corrected the spelling of "exceedence"

611.357 Board note Updated the reference to the Code of Federal Regulations to the latest edition available

POLLUTION CONTROL BOARD

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611.358(a)(1)(D) Board Changed "which" to "that" for a restrictive relative clause

611.358(a)(2)(A) IEPA Corrected the spelling of "exceedence"

611.358(b) IEPA Corrected the spelling of "exceedence"

611.358 Board note Updated the reference to the Code of Federal Regulations to the latest edition available

611.510(a)(1) Board Changed "shall" to "must"

611.510(a)(1) IEPA Corrected "the the" to "the"

611.510(a)(2) Board Changed "shall" to "must"

611.510(a)(3) Board Changed "shall" to "must"

611.510(a)(7) Board Changed "shall" to "must"

611.510(a) Board note Corrected the cross-reference to "subsection (a)"; updated references to the Code of Federal Regulations to the latest edition available (twice); changed "subsection (c) below" to "subsection (c) of this Section"; changed "subsection (d) below" to "subsection (d) of this Section"

611.510(b) Board Changed "subsection (b)(11) below" to "subsection (b)(11) of this Section"; changed "subsection (b)(12) below" to "subsection (b)(12) of this Section"; changed "shall" to "must"

611.510(b)(1) Board Changed "shall" to "must"; changed "subsection (b)(11) below" to "subsection (b)(11) of this Section"

611.510(b)(2) Board Changed "shall" to "must"; changed "subsection (b)(12) below" to "subsection (b)(12) of this Section"

611.510(b)(3) Board Changed "subsections (b)(1) and (b)(2) above" to "subsection (b)(1) and (b)(2) of this Section"

611.510(b)(4) Board Changed "shall" to "must"

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611.510(b)(4)(A)	Board	Changed "subsection (b)(1) above" to "subsection (b)(1) of this Section"
611.510(b)(4)(B)	Board	Changed "subsection (b)(2) above" to "subsection (b)(2) of this Section"
611.510(b)(5)	Board	Changed "shall" to "must"
611.510(b)(6)	Board	Changed "shall" to "must"
611.510(b)(7)	Board	Changed "shall" to "must"
611.510(b)(9)	Board	Changed "shall" to "must"
611.510(b)(9) Board note	Board	Changed "subsection (b)(9) above" to "subsection (b)(9) of this Section"; updated References to the Code of Federal Regulations to the latest edition available (twice); changed "subsection (b)(5) and (b)(6) above" to "subsection (b)(5) and (b)(6) of this Section"
611.510(b)(10)	Board	Changed "shall" to "must"
611.510(b) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.510(c) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.510(d)	Board	Changed "shall" to "must"; changed "subsections (a)(1) and (b)(2) above" to "subsections (a)(1) and (b)(2) of this Section"
611.510(d) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.521(a)	Board	Changed "shall" to "must"; changed "which" to "that" for a restrictive relative clause
611.521(c)(1)	Board	Changed "shall" to "must" (twice)

POLLUTION CONTROL BOARD

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611.521(c)(2)	Board	Changed "shall" to "must" (twice); changed "which" to "that" for a restrictive relative clause; changed "subsection (b) above" to "subsection (b) of this Section"; capitalized the definite article "the" as the first word of a sentence; ; changed "subsection (c)(4) above" to "subsection (c)(4) of this Section"
611.521(c)(3)	Board	Changed "shall" to "must"; changed "subsection (b) above" to "subsection (b) of this Section"
611.521(c)(4)	Board	Changed "shall" to "must" (twice); changed "subsection (b) above" to "subsection (b) of this Section"
611.521(d)	Board	Changed "shall" to "must"; changed "which" to "that" for a restrictive relative clause
611.521(e)	Board	Changed "shall" to "must" (twice)
611.521(e)	IEPA	Corrected the spelling of "exceedence"
611.521 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.601 preamble	Board	Changed "shall" to "must"
611.601(a)(1)	Board	Changed "shall" to "must"
611.601(a)(2)	Board	Changed "subsection (b) below" to "subsection (b) of this Section"
611.601(a)(3)	Board	Changed "shall" to "must"
611.601(a)(3)	IEPA	Changed "subsection (b)(5) below" to "subsection (b)(5) of this Section"
611.601(b)(1)	Board	Changed "shall" to "must"
611.601(b)(2)	Board	Changed "shall" to "must"
611.601(b)(3)	Board	Changed "shall" to "must"
611.601(b)(4)	Board	Changed "shall" to "must"

POLLUTION CONTROL BOARD

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611.601(b)(5)	Board	Changed "shall" to "must"	Board	611.603(b) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.601 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	Board	611.603(c)	Board	Changed "shall" to "must"; changed "subsection (e) below" to "subsection (e) of this Section"
611.602(a)	Board	Changed "shall" to "must"	Board	611.603(c) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.601(b)	Board	Changed "subsection (c) below" to "subsection (c) of this Section"	Board	611.603(d)	Board	Changed "shall" to "must"
611.602(c)	Board	Changed "shall" to "must"	Board	611.603(d) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.602(e)	Board	Changed "shall" to "must"	Board	611.603(e)	Board	Changed "shall" to "must" (twice)
611.602(f)	Board	Changed "shall" to "must"	Board	611.603(e) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.602(g)	Board	Changed "shall" to "must"	Board	611.603(f)(1)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.602(h)	Board	Changed "shall" to "must"	Board	611.603(f)(2)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.602(i)(1)	Board	Changed "shall" to "must"	Board	611.603(g)	Board	Changed "shall" to "must"
611.602(i)(3)	Board	Changed "shall" to "must" (twice); changed "subsection (h) above" to "subsection (h) of this Section"	Board	611.603(g) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.602 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	Board	611.603(h)(1)	Board	Changed "shall" to "must"; changed "subsection (a) above" to "subsection (a) of this Section"
611.603(a)	Board	Changed "shall" to "must"	Board	611.603(h)(3)	Board	Changed "shall" to "must" (twice); changed "subsection (g) above" to "subsection (g) of this Section"
611.603(a) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	Board			
611.603(b)(1)	Board	Changed "subsection (a) above" to "subsections (d) through (f) above" to "subsections (d) through (f) of this Section"	Board			
611.603(b)(2)	Board	Changed "subsections (d) through (f) above" to "subsections (d) through (f) of this Section"	Board			

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611.603(b) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	Board	611.603(c)	Board	Changed "shall" to "must"; changed "subsection (e) below" to "subsection (e) of this Section"
611.603(c)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	Board	611.603(d)	Board	Changed "shall" to "must"
611.603(d)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	Board	611.603(e)	Board	Changed "shall" to "must" (twice)
611.603(e) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	Board	611.603(f)(1)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.603(f)(2)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	Board	611.603(g)	Board	Changed "shall" to "must"
611.603(g)	Board	Updated the reference to the Code of Federal Regulations to the latest edition available	Board	611.603(h)(1)	Board	Changed "shall" to "must"; changed "subsection (a) above" to "subsection (a) of this Section"
611.603(h)(3)	Board	Changed "shall" to "must" (twice); changed "subsection (g) above" to "subsection (g) of this Section"	Board			

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611.603(h) Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.609(a)(3) Board note	Board	Placed a comma inside quotation mark; capitalized "appendix"
611.609(b)	Board	Corrected the spelling of "antimony"
611.609 Board note	Board	Updated the reference to the Code of Federal Regulations to the latest edition available
611.720(b)(1)	Board	Placed a comma inside quotation mark
611.720(b)(2)	Board	Added a statement of the source of the document
611.720(c) Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.720 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.731 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.732 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.745(a)(2)	Board	Changed "which" to "that" for a restrictive relative clause
611.745(c)(1)	Board	Corrected the spelling of "exceedence"
611.745 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.901(a)(3)(B)	IEPA	Corrected the spelling of "exceedence"
611.901(a)(3)(C)	Board	Corrected the spelling of "exceedence"

POLLUTION CONTROL BOARD

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611.901(c)(2)	Board	Changed "which" to "that" for a restrictive relative clause
611.901 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.902(a)(2)	IEPA	Corrected the spelling of "exceedence"
611.902(a)(3)	IEPA	Corrected the spelling of "exceedence"
611.902(a)(4)	IEPA	Corrected the spelling of "exceedence"
611.902(a)(6)	IEPA	Corrected the spelling of "exceedence"
611.902 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.903(b)(3)(B)	IEPA	Corrected the spelling of "exceedence"
611.903 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.904(a)(5)	Board	Corrected the spelling of "exceedence"
611.904 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.908 heading	IEPA	Corrected the spelling of "exceedence"
611.908(a)	IEPA	Corrected the spelling of "exceedence" (twice)
611.908 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision
611.909 heading	IEPA	Corrected the spelling of "exceedence"
611.909 Board note	Board	Revised the Board note to reflect the Code of Federal Regulations source of the new provision

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- 611.Appendix A
"combined
radium"
Board Changed "radium 226 or 228" to "radium-226
or -228"
- 611.Appendix A
Board note Updated the Code of Federal Regulations
citation to the latest edition, including the
Federal Register citation for later
amendments
- 611.Appendix G
(I)(A)(4) Board Changed numeric "2" to written "two"
- 611.Appendix G
(I)(A)(5) IEPA Corrected the spelling of "exceedence"
- 611.Appendix G
(I)(A)(6) IEPA Corrected the spelling of "exceedence"
- 611.Appendix G
(I)(A)(7) IEPA Corrected the spelling of "exceedence"
- 611.Appendix G
(I)(G)(7) Board Changed numeric "2" to written "two"
- 611.Appendix G
(IV)(A) IEPA Corrected the spelling of "exceedence"
- 611.Appendix G
(IV)(B) IEPA Corrected the spelling of "exceedence"
- 611.Appendix G
note 1 Board Removed the unnecessary comma from
before "do not require"
- 611.Appendix G
note 6 IEPA Corrected the spelling of "exceedence"
- 611.Appendix G
note 7 Board Corrected the format of the Federal
Register citation to "63 FR Fed. Reg. 69477
(December 16, 1998)"; changed "Secs." to
"Sections"
- 611.Appendix G
note 15 Board Changed "shall" to "must"
- 611.Appendix G
Board note Updated the Code of Federal Regulations
citation to the latest edition, including the
Federal Register citation for later
amendments

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- 611.Appendix H
33 Board Changed "di(2-ethylhexyl) adipate" to
"di(2-ethylhexyl)adipate"
- 611.Appendix H
34 Board Changed "di(2-ethylhexyl) phthalate" to
"di(2-ethylhexyl)phthalate"
- 611.Appendix H
46 Board Added automatic hyphenation to
"hexachlorocyclopentadiene"
- 611.Appendix H
63 Board Added automatic hyphenation to "trans-
1,2-dichloroethylene"
- 611.Appendix H
85a Board Changed numeric "2" to written "two"
- 611.Appendix H
85a IEPA Corrected the spelling of "exceedence"
- 611.Appendix H
86a Board Corrected the spelling of "exceedence"
- 611.Appendix H
note 10 IEPA Corrected the spelling of "exceedence"
- 611.Appendix H
Board note Board Updated the Code of Federal Regulations
citation to the latest edition, including the
Federal Register citation for later
amendments

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes. Section 611.102, involved in these amendments, is the centralized listing of incorporations of reference for all of Part 611. The present amendments make numerous non-substantive revisions to the incorporations by changing commas to appear inside quotation marks. One amendment updates the version of 40 C.F.R. 136 incorporated by reference to the 2000

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edition, the latest version available.

- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or operate a public water supply. These mandates are, however, identical-in-substance to mandates imposed by federal law.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-20 and be addressed to:
- Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference Docket R01-20:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601
Phone: 312-814-6924
E-mail: mccamb@ipcb.state.il.us

Request copies of the Board's opinion and order from Linda Webster, at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply. Most affected are those whose water supply contains radiologic contaminants that are the subject of this proceeding.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records. The

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present amendments change the requirements relating to radiologic contaminants in drinking water.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2001
The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611

PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section
611.100 Purpose, Scope and Applicability
611.101 Definitions
611.102 Incorporations by Reference
611.103 Severability
611.107 Agency Inspection of PWS Facilities
611.108 Delegation to Local Government
611.109 Enforcement
611.110 Special Exception Permits
611.111 Relief Equivalent to SDWA Section 1415(a) Variances
611.112 Relief Equivalent to SDWA Section 1416 Exemptions
611.113 Alternative Treatment Techniques
611.114 Siting Requirements
611.115 Source Water Quantity
611.120 Effective Dates
611.121 Maximum Contaminant Levels and Finished Water Quality
611.125 Fluoridation Requirement
611.126 Prohibition on Use of Lead
611.130 Special Requirements for Certain Variances and Adjusted Standards
611.131 Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160 Composite Correction Program

SUBPART B: FILTRATION AND DISINFECTION

Section
611.201 Requiring a Demonstration
611.202 Procedures for Agency Determinations
611.211 Filtration Required
611.212 Groundwater under Direct Influence of Surface Water
611.213 No Method of HPC Analysis
611.220 General Requirements
611.230 Filtration Effective Dates
611.231 Source Water Quality Conditions
611.232 Site-specific Conditions
611.233 Treatment Technique Violations
611.240 Disinfection
611.241 Unfiltered PWSs
611.242 Filtered PWSs
611.250 Filtration

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611.261 Unfiltered PWSs: Reporting and Recordkeeping
611.262 Filtered PWSs: Reporting and Recordkeeping
611.271 Protection during Repair Work
611.272 Disinfection following Repair

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section
611.280 Point-of-Entry Devices
611.290 Use of Point-of-Use Devices or Bottled Water

SUBPART D: TREATMENT TECHNIQUES

Section
611.295 General Requirements
611.296 Acrylamide and Epichlorohydrin
611.297 Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section
611.300 Old MCLs for Inorganic Chemicals
611.301 Revised MCLs for Inorganic Chemicals
611.310 Old Maximum Contaminant Levels (MCLs) for Organic Chemicals
611.311 Revised MCLs for Organic Contaminants
611.312 Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313 Maximum Residual Disinfectant Levels (MRDLs)
611.320 Turbidity
611.325 Microbiological Contaminants
611.330 Maximum Contaminant Levels for Radionuclides Radium-and-Gross-alpha
Particle-Activity
Beta Particle and Photon Radioactivity

SUBPART G: LEAD AND COPPER

Section
611.350 General Requirements
611.351 Applicability of Corrosion Control
611.352 Corrosion Control Treatment
611.353 Source Water Treatment
611.354 Lead Service Line Replacement
611.355 Public Education and Supplemental Monitoring
611.356 Tap Water Monitoring for Lead and Copper
611.357 Monitoring for Water Quality Parameters
611.358 Monitoring for Lead and Copper in Source Water
611.359 Analytical Methods
611.360 Reporting

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611.361 Recordkeeping

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND
DISINFECTION BYPRODUCT PRECURSORS

Section

611.380 General Requirements

611.381 Analytical Requirements

611.382 Monitoring Requirements

611.383 Compliance Requirements

611.384 Reporting and Recordkeeping Requirements

611.385 Treatment Technique for Control of Disinfection Byproduct (DBP)
Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.480 Alternative Analytical Techniques

611.490 Certified Laboratories

611.491 Laboratory Testing Equipment

611.500 Consecutive PWSS

611.510 Special Monitoring for Unregulated Contaminants

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.521 Routine Coliform Monitoring

611.522 Repeat Coliform Monitoring

611.523 Invalidation of Total Coliform Samples

611.524 Sanitary Surveys

611.525 Fecal Coliform and E. Coli Testing

611.526 Analytical Methodology

611.527 Response to Violation

611.531 Analytical Requirements

611.532 Unfiltered PWSS

611.533 Filtered PWSS

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.560 Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.591 Violation of State MCL

611.592 Frequency of State Monitoring

611.600 Applicability

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611.601 Monitoring Frequency

611.602 Asbestos Monitoring Frequency

611.603 Inorganic Monitoring Frequency

611.604 Nitrate Monitoring

611.605 Nitrite Monitoring

611.606 Confirmation Samples

611.607 More Frequent Monitoring and Confirmation Sampling

611.608 Additional Optional Monitoring

611.609 Determining Compliance

611.610 Inorganic Monitoring Times

611.611 Inorganic Analysis

611.612 Monitoring Requirements for Old Inorganic MCLs

611.630 Special Monitoring for Sodium

611.631 Special Monitoring for Inorganic Chemicals

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.640 Definitions

611.641 Old MCLs

611.645 Analytical Methods for Organic Chemical Contaminants

611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants

611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)

611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants

611.650 Monitoring for 36 Contaminants (Repealed)

611.657 Analytical Methods for 36 Contaminants (Repealed)

611.658 Special Monitoring for Organic Chemicals

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.680 Sampling, Analytical and other Requirements

611.683 Reduced Monitoring Frequency

611.684 Averaging

611.685 Analytical Methods

611.686 Modification to System

611.687 Sampling for THM Potential

611.688 Applicability Dates

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.720 Analytical Methods

611.731 Gross Alpha

611.732 Beta Particle and Photon Manmade Radioactivity611.733 General Monitoring and Compliance Requirements

SUBPART R: ENHANCED FILTRATION AND DISINFECTION

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- Section
611.740 General Requirements
611.741 Standards for Avoiding Filtration
611.742 Disinfection Profiling and Benchmarking
611.743 Filtration
611.744 Filtration Sampling Requirements
611.745 Reporting and Recordkeeping Requirements
- SUBPART T: REPORTING AND RECORDKEEPING

- Section
611.830 Applicability
611.831 Monthly Operating Report
611.832 Notice by Agency (Repealed)
611.833 Cross Connection Reporting
611.840 Reporting
611.851 Reporting MCL, MRDL, and other Violations (Repealed)
611.852 Reporting other Violations (Repealed)
611.853 Notice to New Billing Units (Repealed)
611.854 General Content of Public Notice (Repealed)
611.855 Mandatory Health Effects Language (Repealed)
611.856 Fluoride Notice (Repealed)
611.858 Fluoride Secondary Standard (Repealed)
611.860 Record Maintenance
611.870 List of 36 Contaminants

SUBPART U: CONSUMER CONFIDENCE REPORTS

- Section
611.881 Purpose and Applicability of this Subpart
611.882 Compliance Dates
611.883 Content of the Reports
611.884 Required Additional Health Information
611.885 Report Delivery and Recordkeeping

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

- Section
611.901 General Public Notification Requirements
611.902 Tier 1 Public Notice--Form, Manner, and Frequency of Notice
611.903 Tier 2 Public Notice--Form, Manner, and Frequency of Notice
611.904 Tier 3 Public Notice--Form, Manner, and Frequency of Notice
611.905 Content of the Public Notice
611.906 Notice to New Billing Units or New Customers
611.907 Special Notice of the Availability of Unregulated Contaminant Monitoring Results
611.908 Special Notice for Exceedence of the Fluoride Secondary Standard

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- 611.909 Special Notice for Nitrate Exceedences above the MCL by a Non-Community Water System
611.910 Notice by the Agency on Behalf of a PWS
- APPENDIX A Regulated Contaminants
APPENDIX B Percent Inactivation of G. Lamblia Cysts
APPENDIX C Common Names of Organic Chemicals
APPENDIX D Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Eschericia Coli from Drinking Water
APPENDIX E Mandatory Lead Public Education Information for Community Water Systems
APPENDIX F Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems
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APPENDIX H Standard Health Effects Language for Public Notification
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TABLE B Fecal or Total Coliform Density Measurements
TABLE C Frequency of RDC Measurement
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TABLE E Lead and Copper Monitoring Start Dates
TABLE F Number of Water Quality Parameter Sampling Sites
TABLE G Summary of Section 611.357 Monitoring Requirements for Water Quality Parameters
TABLE Z Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12850, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R00-8 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-10 at 24 Ill. Reg. 14715, effective December 8, 1999; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. _____, effective _____.

NOTE: In the chemical notations and footnotes in this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; (SUM) means the summation

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series or sigma function as used in mathematics; and (u) (in (u)g) is substituted for the Greek symbol mu.

SUBPART A: GENERAL

Section 611.102 Incorporations by Reference

- a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"Amco-AEPA-1 Polymer" is available from Advanced Polymer Systems.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water", available from Millipore Corporation, Technical Services Department.

"Dioxin and Furan Method 1613" means "Tetra-Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS", available from NTIS.

"GLI Method 2" means GLI Method 2, "Turbidity", Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources", available from USEPA Science and Technology Branch.

"HASL Procedure Manual" means HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, available from NCRP.

"NCRP" means "National Council on Radiation Protection".

"NTIS" means "National Technical Information Service".

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water", available from the New Jersey Department of Environmental Protection.

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"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)", available from the New York Department of Public Health.

"ONGP-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-D-galactopyranoside-4-methyl-umbelliferyl-beta-D-glucuronide test"), also called the "Autoanalysis Colilert System", is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater", 18th ed., from American Public Health Association.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTIS.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from NTIS.

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association or the American Waterworks Association.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water", July 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USDOE Manual" means "EML Procedures Manual", available from the United States Department of Energy.

"USEPA Asbestos Methods-100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.

"USEPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", available from NTIS.

"USEPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples", available from NTIS; "Methods for the Determination of Inorganic Substances in Environmental Samples", August 1993, for Method 300.0; "Determination of Inorganic Anions in Drinking Water by Ion Chromatography, Revision 1.0", 1997, for Method 300.1.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples", available

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from NTIS.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water," July 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement I," July 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water--Supplement II," August 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL; "Methods for the Determination of Organic Compounds" in Drinking Water--Supplement II, August 1992, for Method 552.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement III," August 1995, for Methods 502.2, 524.2, 551.1, and 552.2.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), March 1976. Available from NTIS.

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80-032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979. Available from NTIS.

"USEPA Radiochemistry Methods" means "Radiochemistry Procedures Manual," EPA 520/5-84-006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods," available from NTIS.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," available from NTIS and USGS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," available from Millipore Corporation, Waters Chromatography Division.

b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc.

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Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415-366-2626:

Amco-AEPA-1 Polymer. See 40 CFR 141.22(a) (1999). Also, as referenced in ASTM D1889.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-5476:

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed.).

"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.).

American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 303-794-7711:

Standard Methods for the Examination of Water and Wastewater, 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.).

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended and Total).

Method 306, Tritium in Water.

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992 (referred to as "Standard Methods, 18th ed.):

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Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN(-) C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN(-) E, Cyanide, Colorimetric Method.

Method 4500-CN(-) F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN(-) G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

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Method 4500-ClO[2] C, Chlorine Dioxide, Amperometric Method I.

Method 4500-F(-) B, Fluoride, Preliminary Distillation Step.

Method 4500-F(-) C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F(-) D, Fluoride, SPADNS Method.

Method 4500-F(-) E, Fluoride, Complexone Method.

Method 4500-H(+) B, pH Value, Electrometric Method.

Method 4500-NO[2](-) B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO[3](-) D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO[3](-) E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO[3](-) F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O[3] B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 4500-SO[4](2-) C, Sulfate, Gravimetric Method with Ignition of Residue.

Method 4500-SO[4](2-) D, Sulfate, Gravimetric Method with Drying of Residue.

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Method 4500-SO(4)(2-) F, Sulfate, Automated Methylthymol Blue Method.

Method 6610, Carbamate Pesticide Method.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H, B, Tritium, Liquid Scintillation Spectrometric Method

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

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Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.");

Method 7120-B, Gamma Spectrometric Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 4500-Cl D, Chlorine (Residual), Amperometric Titration Method.

Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine (Residual), DPD Colorimetric Method.

Method 4500-Cl H, Chlorine (Residual), Syringaldazine (FACTS) Method.

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Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique.

Method 4500-ClO[2] D, Chlorine Dioxide, DPD Method.

Method 4500-ClO[2] E, Chlorine Dioxide, Amperometric Method II.

Method 6251 B, Disinfection Byproducts; Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method.

Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method.

Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater, American Public Health Association, 1996:

Method 5310 B, TOC, Combustion-Infrared Method.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method.

Method 5310 D, TOC, Wet-Oxidation Method.

Analytical Technology, Inc. (ATI) Orion, 529 Main Street, Boston, MA 02129:

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water," July, 1994, PN 221890-001 (referred to as "Technical Bulletin 601").

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103 215-299-5585:

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water," "Test Method A--Complexometric Titration" & "Test Method B--Atomic Absorption Spectrophotometric," approved 1993.

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water," "Test Method A--Colorimetric Ascorbic Acid Reduction," approved August 19, 1988.

ASTM Method D859-88, "Standard Test Method for Silica in Water," approved August 19, 1988.

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ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water," "Test Method B--Electrometric or Color-Change Titration," approved May 15, 1992.

ASTM Method D1125-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water," "Test Method A--Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples," approved June 15, 1991.

ASTM Method D1179-93 B, "Standard Test Methods for Fluoride in Water," "Test Method B--Ion Selective Electrode," approved 1993.

ASTM Method D1293-84, "Standard Test Methods for pH of Water," "Test Method A--Precise Laboratory Measurement" & "Test Method B--Routine or Continuous Measurement," approved October 26, 1984.

ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water," "Test Method A--Atomic Absorption, Direct" & "Test Method C--Atomic Absorption, Graphite Furnace," approved March 15, 1990.

ASTM Method D2036-91 A or B, "Standard Test Methods for Cyanide in Water," "Test Method A--Total Cyanides after Distillation" & "Test Method B--Cyanides Amenable to Chlorination by Difference," approved September 15, 1991.

ASTM Method D2460-90, "Standard Test Method for Radionuclides of Radium in Water," approved 1990.

ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry," "Test Method A--Direct Fluorometric" & "Test Method B--Extraction," approved June 15, 1991.

ASTM Method D2972-93 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B--Atomic Absorption, Hydride Generation" & "Test Method C--Atomic Absorption, Graphite Furnace," approved 1993.

ASTM Method D3223-91, "Standard Test Method for Total Mercury in Water," approved September 23, 1991.

ASTM Method D3454-91, "Standard Test Method for Radium-226 in Water," approved 1991.

ASTM Method D3559-90 D, "Standard Test Methods for Lead in

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Water", "Test Method D--Atomic Absorption, Graphite Furnace", approved August 6, 1990.

ASTM Method D3645-93 B, "Standard Test Methods for Beryllium in Water", "Method B--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3649-91, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water", approved 1991.

ASTM Method D3697-92, "Standard Test Method for Antimony in Water", approved June 15, 1992.

ASTM Method D3859-93 A, "Standard Test Methods for Selenium in Water", "Method A--Atomic Absorption, Hydride Method", approved 1993.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water", "Test Method A--Automated Cadmium Reduction" & "Test Method B--Manual Cadmium Reduction", approved January 10, 1990.

ASTM Method D3972-90, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry", approved 1990.

ASTM Method D4107-91, "Standard Test Method for Tritium in Drinking Water", approved 1991.

ASTM Method D4327-91, "Standard Test Method for Anions in Water by Ion Chromatography", approved October 15, 1991.

ASTM Method D4785-88, "Standard Test Method for Low-Level Iodine-131 in Water", approved 1988.

ASTM Method D5174-91, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry", approved 1991.

ASTM Method D1253-86, "Standard Test Method for Residual Chlorine in Water", reapproved 1992.

ERDA Health and Safety Laboratory, New York, NY:

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) (1999).

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee,

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WI 53223:

GLI Method 2, "Turbidity", Nov. 2, 1992.

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476:

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure Test").

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757 800-252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011 (referred to as "Waters Method B-1011").

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD 301-657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140, 734-769-8010:

NSF Standard 61, section 9, November 1998.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600 or 800-553-6847:

"Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-008 (revised), March 1976 (referred to as "USEPA Interim Radiochemical Methods"). (Pages 1, 4, 6, 9, 13, 16, 24, 29, 34)

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NBS (National Bureau of Standards) Handbook 69, as amended August 1963, U.S. Department of Commerce.

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Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", EPA-600/4-83-043, September, 1983, Doc. No. PB83-260471 (referred to as "USEPA Asbestos Methods-100.1").

Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", EPA-600/4-83-043, June, 1994, Doc. No. PB94-201902 (referred to as "USEPA Asbestos Methods-100.2").

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677 (referred to as "USEPA Inorganic Methods"). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA EMSL.)

"Methods for the Determination of Metals in Environmental Samples", June 1991, Doc. No. PB91-231498 (referred to as "USEPA Environmental Metals Methods").

"Methods for the Determination of Organic Compounds in Drinking Water", December, 1988, revised July 1991, EPA-600/4-88/039 (referred to as "USEPA Organic Methods"). (For methods 502.2, 505, 507, 508, 508A, 515.1 and 531.1.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July 1990, EPA-600-4-90-020 (referred to as "USEPA Organic Methods"). (For methods 506, 547, 550, 550.1, and 551.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August 1992, EPA-600/R-92-129 (referred to as "USEPA Organic Methods"). (For methods 515.2, 524.2, 548.1, 549.1, 552.1 and 555.)

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980 (referred to as "USEPA Radioactivity Methods"). (Methods 900, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1)

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May 1973, Doc. No. PB222-154/7BA.

"Radiochemical Analytical Procedures for Analysis of Environmental Samples", March 1979, Doc. No. EMSL IV 053917 (referred to as "USEPA Radiochemical Analyses"). (Pages 1, 19, 33, 65, 87, 92)

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"Radiochemistry Procedures Manual", EPA-520/5-84-006, December 1987, Doc. No. PB-84-215581 (referred to as "USEPA Radiochemistry Methods"). (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04)

"Technical Notes on Drinking Water Methods", EPA-600/R-94-173, October 1994, Doc. No. PB-104766 (referred to as "USEPA Technical Notes").

BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(1) (1995): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996."

"Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS", October 1994, EPA-821-B-94-005 (referred to as "Dioxin and Furan Method 1613").

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625:

"Determination of Radium 228 in Drinking Water", August 1990.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201:

"Determination of Ra-226 and Ra-228 (Ra-02)", January 1980, revised June 1982.

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December 1972 (referred to as "Technicon Methods: Method #129-71W"). See 40 CFR 141.23(k)(1), footnote 11 (1999).

"Fluoride in Water and Wastewater", #380-75WE, February 1976 (referred to as "Technicon Methods: Method #380-75WE"). See 40 CFR 141.23(k)(1), footnote 11 (1999).

United States Department of Energy, available at the Environmental Measurements Laboratory, U.S. Department of Energy, 376 Hudson Street, New York, NY 10014-3621:

"EML Procedures Manual", 27th Edition, Volume 1, 1990.

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United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 513-569-7586:

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (referred to as "Radiochemical Methods"). (Revised) March, 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (referred to as "USEPA Organic Methods"). (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS.

USEPA, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington D.C. 20460:

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October 1989.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25425, Denver, CO 80225-0425:

Methods available upon request by method number from "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", Open File Report 93-125 or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", 3rd ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85

I-1062-85

I-1601-85

I-1700-85

I-2598-85

I-2601-90

I-2700-85

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I-3300-85

Methods available upon request by method number from "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments", Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey", 1997.

R-1110-76

R-1111-76

R-1120-76

R-1140-76

R-1141-76

R-1142-76

R-1160-76

R-1171-76

R-1180-76

R-1181-76

R-1182-76

c) The Board incorporates the following federal regulations by reference: 40 CFR 136, Appendix B and C (2000 1999).

d) This Part incorporates no later amendments or editions.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.110 Special Exception Permits

a) Unless otherwise specified, each Agency determination in this Part is to be made by way of a written permit pursuant to Section 39(a) of the Act. Such permit is titled a "special exception" permit ("SEP").

b) No person may ~~shall~~ cause or allow the violation of any condition of a SEP.

c) The supplier may appeal the denial of or the conditions of a SEP to the Board pursuant to Section 40 of the Act.

d) A SEP may be initiated either:

1) By an application filed by the supplier; or

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- 2) By the Agency, when authorized by Board regulations.
 BOARD NOTE: The Board does not intend to mandate by any provision of this Part that the Agency exercise its discretion and initiate a SEP pursuant to subsection (d)(2) of this Section above. Rather, the Board intends to clarify by this subsection that the Agency may opt to initiate a SEP without receiving a request from the supplier.

- e) The Agency must ~~shall~~ evaluate a request for a SEP from the monitoring requirements of Section 611.601, 611.602, or 611.603 (inorganic chemical contaminants, excluding the Section 611.603 monitoring frequency requirements for cyanide); Section 611.646(e) and (f) (Phase I, Phase II, and Phase V VOCs); Section 611.646(d), only as to initial monitoring for 1,2,4-trichlorobenzene; Section 611.648(d) (for Phase II, Phase IIB, and Phase V SOCs) or Section 611.510 (for unregulated organic contaminants) on the basis of knowledge of previous use (including transport, storage, or disposal) of the contaminant in the watershed or zone of influence of the system, as determined pursuant to 35 Ill. Adm. Code 671:

BOARD NOTE: The Agency must ~~shall~~ grant a SEP from the Section 611.603 monitoring frequency requirements for cyanide only on the basis of subsection (g) of this Section below, not on the basis of this subsection.

- 1) If the Agency determines that there was no prior use of the contaminant, it ~~must shall~~ grant the SEP, or
 2) If the contaminant was previously used or the previous use was unknown, the Agency must ~~shall~~ consider the following factors:

- A) Previous analytical results;
 B) The proximity of the system to any possible point source of contamination (including spills or leaks at or near a water treatment facility; at manufacturing, distribution, or storage facilities; from hazardous and municipal waste land fills; or from waste handling or treatment facilities) or non-point source of contamination (including the use of pesticides and other land application uses of the contaminant);
 C) The environmental persistence and transport of the contaminant;
 D) How well the water source is protected against contamination, including whether it is a SWS or a GWS:
 i) A GWS must consider well depth, soil type, well casing integrity, and wellhead protection; and
 ii) A SWS must consider watershed protection;
 E) For Phase II, Phase IIB, and Phase V SOCs and unregulated organic contaminants (pursuant to Section 611.631 or 611.648):
 i) Elevated nitrate levels at the water source; and
 ii) The use of PCBs in equipment used in the production, storage, or distribution of water (including pumps,

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- transformers, etc.); and
 F) For Phase I, Phase II, and Phase V VOCs (pursuant to Section 611.646): the number of persons served by the PWS and the proximity of a smaller system to a larger one.

- f) If a supplier refuses to provide any necessary additional information requested by the Agency, or if a supplier delivers any necessary information late in the Agency's deliberations on a request, the Agency may deny the requested SEP or grant the SEP with conditions within the time allowed by law.

- g) The Agency must ~~shall~~ grant a supplier a SEP that allows it to discontinue monitoring for cyanide if it determines that the supplier's water is not vulnerable due to a lack of any industrial source of cyanide.

BOARD NOTE: Subsection (e) of this Section above is derived from 40 CFR 141.24(f)(8) and (h)(6) (2000+994). Subsection (f) of this Section above is derived from 40 CFR 141.82(d)(2), and 141.83(b)(2) (2000+994). Subsection (g) is derived from 40 CFR 141.23(c)(2) (2000+994). U.S. EPA has reserved the discretion, at 40 CFR 142.18 (2000+994), to review and nullify Agency determinations of the types made pursuant to Sections 611.510, 611.602, 611.603, 611.646, and 611.648 and the discretion, at 40 CFR 141.82(i), 141.83(b)(7), and 142.19 (2000+994), to establish federal standards for any supplier, superseding any Agency determination made pursuant to Sections 611.352(d), 611.352(f), 611.353(b)(2), and 611.353(b)(4).

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 611.130 Special Requirements for Certain Variances and Adjusted Standards

- a) Relief from the TTHM MCL.

- 1) In granting any variance or adjusted standard to a supplier that is a CWS which adds a disinfectant at any part of treatment and which provides water to 10,000 or more persons on a regular basis from the maximum contaminant level for TTHM listed in Section 611.310(c), the Board will require application of the best available technology (BAT) identified at subsection (a)(4) of this Section below for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that system or that the application it would only result in a marginal reduction in TTHM for that supplier.

- 2) The Board will require the following as a condition for relief from the TTHM MCL where it does not require the application of BAT:

- A) That the supplier continue to investigate the following

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methods as an alternative means of significantly reducing the level of TTHM, according to a definite schedule:

- i) The introduction of off-line water storage for THM precursor reduction;
 - ii) Aeration ~~aeration~~ for TTHM reduction, where geography and climate allow;
 - iii) The introduction of clarification, where not presently practiced;
 - iv) The use of alternative sources of raw water; and
 - v) The use of ozone as an alternative or supplemental disinfectant or oxidant, and
- B) That the supplier report results of that investigation to the Agency.

3) The Agency must ~~shall~~ petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101-Subpart-K, if it determines that an alternative method identified by the supplier pursuant to subsection (a)(2) of this Section ~~above~~ is technically feasible and would result in a significant reduction in TTHM.

4) Best available technology for TTHM reduction is as follows:

- A) The use of chloramines as an alternative or supplemental disinfectant,
- B) The use of chlorine dioxide as an alternative or supplemental disinfectant, or
- C) Improved improved existing clarification for TTHM precursor reduction.

BOARD NOTE: Subsection (a) derived ~~Derived~~ from 40 CFR 142.60 (20001994). ~~The--restrictions--of--this--subsection--do-not-apply-to suppliers-regulated-for-TTHM-as-an-additional-state-requirement----~~ ~~See the-Board-Note-to-Section-611-301(c).~~

b) Relief from the fluoride MCL.

- 1) In granting any variance or adjusted standard to a supplier that is a CWS from the maximum contaminant level for fluoride listed in Section 611.301(b), the Board will require application of the best available technology (BAT) identified at subsection (b)(4) of this Section ~~below~~ for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that supplier.

2) The Board will require the following as a condition for relief from the fluoride MCL where it does not require the application of BAT:

- A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of fluoride, according to a definite schedule:
 - i) A modification of lime softening;
 - ii) Alum ~~alum~~ coagulation;

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- iii) Electrolysis ~~electrolysis~~;
- iv) Anion ~~anion~~ exchange resins;
- v) Well ~~well~~ field management;
- vi) The use of alternative sources of raw water; and
- vii) Regionalization ~~regionalization~~, and

B) That the supplier report results of that investigation to the Agency.

3) The Agency must ~~shall~~ petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101-Subpart-K, if it determines that an alternative method identified by the supplier pursuant to subsection (b)(2) of this Section ~~above~~ is technically feasible and would result in a significant reduction in fluoride.

4) Best available technology for fluoride reduction is as follows:

- A) ~~Activated~~ ~~activated~~ alumina absorption centrally applied, and
- B) Reverse ~~reverse~~ osmosis centrally applied.

BOARD NOTE: Subsection (b) derived ~~Derived~~ from 40 CFR 142.61 (20001994).

c) Relief from an inorganic chemical contaminant, VOC, or SOC MCL.

- 1) In granting to a supplier that is a CWS or NTWCWS any variance or adjusted standard from the maximum contaminant levels for any VOC or SOC, listed in Section 611.311(a) or (c), or for any inorganic chemical contaminant, listed in Section 611.301, the supplier must have first applied the best available technology (BAT) identified at Section 611.311(b) (VOCs and SOCs) or Section 611.301(c) (inorganic chemical contaminants) for that constituent, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT would achieve only a minimal and insignificant reduction in the level of contaminant.

BOARD NOTE: USEPA lists BAT for each SOC and VOC at 40 CFR 142.62(a) (20001995), for the purposes of variances and exemptions (adjusted standards). That list is identical to the list at 40 CFR 141.61(b) (20001995).

2) The Board may require any of the following as a condition for relief from a MCL listed in Section 611.301 or 611.311:

- A) That the supplier continue to investigate alternative means of compliance according to a definite schedule, and
- B) That the supplier report results of that investigation to the Agency.

3) The Agency must ~~shall~~ petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101-Subpart-K, if it determines that an alternative method identified by the supplier pursuant to subsection (c)(2) of this Section ~~above~~ is technically feasible.

BOARD NOTE: Subsection (c) derived ~~Derived~~ from 40 CFR 142.62(a) through (e) (20001994).

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- d) Conditions requiring use of bottled water or point-of-use or point-of-entry devices. In granting any variance or adjusted standard from the maximum contaminant levels for organic and inorganic chemicals or an adjusted standard from the treatment technique for lead and copper, the Board may impose certain conditions requiring the use of bottled water, point-of-entry devices, or point-of-use devices to avoid an unreasonable risk to health, limited as provided in subsections (e) and (f) of this Section below.

- 1) Relief from an MCL. The Board may, when granting any variance or adjusted standard from the MCL requirements of Sections 611.301 and 611.311, impose a condition that requires a supplier to use bottled water, point-of-use devices, point-of-entry devices or other means to avoid an unreasonable risk to health.
- 2) Relief from corrosion control treatment. The Board may, when granting an adjusted standard from the corrosion control treatment requirements for lead and copper of Sections 611.351 and 611.352, impose a condition that requires a supplier to use bottled water and point-of-use devices or other means, but not point-of-entry devices, to avoid an unreasonable risk to health.
- 3) Relief from source water treatment or service line replacement. The Board may, when granting an exemption from the source water treatment and lead service line replacement requirements for lead and copper under Sections 611.353 or 611.354, impose a condition that requires a supplier to use point-of-entry devices to avoid an unreasonable risk to health.

BOARD NOTE: Subsection (d) derived Derived from 40 CFR 142.62(f) (2000+994).

- e) Use of bottled water. Suppliers that propose to use or use bottled water as a condition for receiving a variance or an adjusted standard from the requirements of Section 611.301 or Section 611.311, or an adjusted standard from the requirements of Sections 611.351 through 611.354 must meet the requirements of either subsections (e)(1), (e)(2), (e)(3), and (e)(6) or (e)(4), (e)(5) and (e)(6) of this Section below:

- 1) The supplier must develop a monitoring program for Board approval that provides reasonable assurances that the bottled water meets all MCLs of Sections 611.301 and 611.311 and submit a description of this program as part of its petition. The proposed program must describe how the supplier will comply with each requirement of this subsection.
- 2) The supplier must monitor representative samples of the bottled water for all contaminants regulated under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, and annually thereafter.
- 3) The supplier must ~~shall~~ annually provide the results of the monitoring program to the Agency.
- 4) The supplier must receive a certification from the bottled water company as to each of the following:

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- A) that the bottled water supplied has been taken from an approved source of bottled water, as such is defined in Section 611.101;
- B) that the approved source of bottled water has conducted monitoring in accordance with 21 CFR 129.80(g)(1) through (3);
- C) and that the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 103.35, 110, and 129.

- 5) The supplier must ~~shall~~ provide the certification required by subsection (e)(4) of this Section above to the Agency during the first quarter after it begins supplying bottled water and annually thereafter.

- 6) The supplier must ~~shall~~ assure the provision of sufficient quantities of bottled water to every affected person supplied by the supplier via door-to-door bottled water delivery.

BOARD NOTE: Subsection (e) derived Derived from 40 CFR 142.62(g) (2000+994).

- f) Use of point-of-entry devices. Before the Board grants any PWS a variance or adjusted standard from any NPDWR that includes a condition requiring the use of a point-of-entry device, the supplier must demonstrate to the Board each of the following:

- 1) That that the supplier will operate and maintain the device;
- 2) That that the device provides health protection equivalent to that provided by central treatment;
- 3) That that the supplier will maintain the microbiological safety of the water at all times;
- 4) That that the supplier has established standards for performance, conducted a rigorous engineering design review, and field tested the device;
- 5) That that the operation and maintenance of the device will account for any potential for increased concentrations of heterotrophic bacteria resulting through the use of activated carbon, by backwashing, post-contractor disinfection, and heterotrophic plate count monitoring;

- 6) That that buildings connected to the supplier's distribution system have sufficient devices properly installed, maintained, and monitored to assure that all consumers are protected; and
- 7) That that the use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

BOARD NOTE: Subsection (f) derived Derived from 40 CFR 142.62(h) (2000+994).

- g) Relief from the maximum contaminant levels for radionuclides (effective December 8, 2003).

- 1) Relief from the maximum contaminant levels for combined radium-226 and radium-228, uranium, gross alpha particle activity (excluding Radon and Uranium), and beta particle and photon

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radioactivity.

A) Section 611.330(g) sets forth what USEPA has identified as the best available technology (BAT), treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in Section 611.330(b), (c), (d), and (e), for the purposes of issuing variances and exemptions.

B) In addition to the technologies listed in Section 611.330(g), Section 611.330(h) sets forth what USEPA has identified as the BAT, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in Section 611.330(b), (c), (d), and (e), for the purposes of issuing variances and exemptions to small drinking water systems defined here as those serving 10,000 persons or fewer, as shown in the second table set forth at Section 611.330(h).

2) The Board will require a CWS supplier to install and use any treatment technology identified in Section 611.330(g), or in the case of small water systems (those serving 10,000 persons or fewer), listed in Section 611.330(h), as a condition for granting a variance except as provided in subsection (a)(3) of this Section. If, after the system's installation of the treatment technology, the system cannot meet the MCL, that system will be eligible for a variance.

3) If a CWS supplier can demonstrate through comprehensive engineering assessments, which may include pilot plant studies, that the treatment technologies identified in this Section would only achieve a de minimus reduction in the contaminant level, the Board may issue a schedule of compliance that requires the system being granted the variance to examine other treatment technologies as a condition of obtaining the variance.

4) If the Agency determines that a treatment technology identified under subsection (a)(3) of this Section is technically feasible, it may request that the Board require the supplier to install and use that treatment technology in connection with a compliance schedule issued pursuant to Section 36 of the Act. The Agency's determination must be based upon studies by the system and other relevant information.

5) The Board may require a community water system to use bottled water, point-of-use devices, point-of-entry devices, or other means as a condition of granting relief equivalent to a federal Section 1415 variance or a Section 1416 exemption from the requirements of Section 611.330, to avoid an unreasonable risk to health.

6) A CWS supplier that uses bottled water as a condition for receiving relief equivalent to a federal Section 1415 variance or a Section 1416 exemption from the requirements of Section 611.330 must meet the requirements specified in either subsections (e)(1)

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through (e)(3) or (e)(4) through (e)(6) of this Section.
7) A CWS supplier that uses point-of-use or point-of-entry devices as a condition for obtaining relief equivalent to a federal Section 1415 variance or a Section 1416 exemption from the radionuclides NPDWRs must meet the conditions in subsections (a)(1) through (g)(6) of this Section.

BOARD NOTE: Subsection (g) derived from 40 CFR 142.65, as added at 65 Fed. Reg. 76751 (December 7, 2000), effective December 8, 2003.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.261 Unfiltered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source and does not provide filtration treatment must report monthly to the Agency the information specified in this Section beginning December 31, 1990, unless the Agency has determined that filtration is required, in which case the Agency must, by special exception permit, specify alternative reporting requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment must report monthly to the Agency the information specified in this Section beginning December 31, 1990, or six months after the Agency determines that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency must, by special exception permit, specify alternative reporting requirements, as appropriate, until filtration is in place.

a) Source water quality information must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that must be reported includes:

- 1) The cumulative number of months for which results are reported.
- 2) The number of fecal or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported), the dates of sample collection, and the dates when the turbidity level exceeded 1 NTU.

3) The number of samples during the month that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed.

4) The cumulative number of fecal or total coliform samples, whichever are analyzed, during the previous six months the system served water to the public.

5) The cumulative number of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.

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- 6) The percentage of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
- 7) The maximum turbidity level measured during the month, the dates of occurrence for any measurements that which exceeded 5 NTU and the dates the occurrences were reported to the Agency.
- 8) For the first 12 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after one year of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.
- 9) For the first 120 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after ten years of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 120 months the system served water to the public.
- b) Disinfection information specified in Section 611.532 must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that must be reported includes:
 - 1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.
 - 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.
 - 3) The daily RDCs (in mg/L) and disinfectant contact times (in minutes) used for calculating the CT values.
 - 4) If chlorine is used, the daily measurements of pH of disinfected water following each point of chlorine disinfection.
 - 5) The daily measurements of water temperature in degrees C following each point of disinfection.
 - 6) The daily CTcalc and Ai values for each disinfectant measurement or sequence and the sum of all Ai values (B) before or at the first customer.
 - 7) The daily determination of whether disinfection achieves adequate Giardia cyst and virus inactivation, i.e., whether Ai is at least 1.0 or, where disinfectants other than chlorine are used, other indicator conditions that the Agency, pursuant to Section 611.241(a)(1), determines are appropriate, are met.
 - 8) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Section 611.240 through 611.242:
 - A) Number of instances where the RDC is measured;
 - B) Number of instances where the RDC is not measured but HPC is measured;

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- C) Number of instances where the RDC is measured but not detected and no HPC is measured;
 - D) Number of instances where the RDC is detected and where HPC is greater than 500/ml;
 - E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
 - F) For the current and previous month the system served water to the public, the value of "v" in the following formula:

$$V = \frac{100(c + d + e)}{(a + b)}$$
- where:
- a = Value in subsection (b)(8)(A) of this Section
 - b = Value in subsection (b)(8)(B) of this Section
 - c = Value in subsection (b)(8)(C) of this Section
 - d = Value in subsection (b)(8)(D) of this Section
 - e = Value in subsection (b)(8)(E) of this Section
- G) The requirements of subsections (b)(8)(A) through (b)(8)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a system has no means for having a sample analyzed for HPC.
 - 9) A system need not report the data listed in subsections (b)(1)7 and (b)(3) through (b)(6) of this Section, if all data listed in subsections (b)(1) through (b)(8) of this Section remain on file at the system, and the Agency determines, by special exception permit, that:
 - A) The system has submitted to the Agency all the information required by subsections (b)(1) through (b)(8) of this Section for at least 12 months; and
 - B) The Agency has determined that the system is not required to provide filtration treatment.
 - c) By October 10 of each year, each system must provide to the Agency a report that which summarizes its compliance with all watershed control program requirements specified in Section 611.232(b).
 - d) By October 10 of each year, each system must provide to the Agency a report on the on-site inspection conducted during that year pursuant to Section 611.232(c), unless the on-site inspection was conducted by the Agency. If the inspection was conducted by the Agency, the Agency must provide a copy of its report to the supplier.
 - e) Reporting health threats.
 - 1) Each system, upon discovering that a waterborne disease outbreak

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potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.

- 2) If at any time the turbidity exceeds 5 NTU, the system must consult with the Agency as soon as practical, but no later than 24 hours after the exceedence is known, in accordance with the public notification requirements under Section 611.903(b)(3).

- 3) If at any time the RDC falls below 0.2 mg/L in the water entering the distribution system, the system must notify the Agency as soon as possible, but no later than by the end of the next business day. The system also must notify the Agency by the end of the next business day whether or not the RDC was restored to at least 0.2 mg/L within four hours.

BOARD NOTE: Derived from 40 CFR 141.75(a) (2000) ~~1999~~ as amended at 65-Ped-Reg--26022-(May-47-2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.262 Filtered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must report monthly to the Agency the information specified in this Section.

- a) Turbidity measurements as required by Section 611.533(a) must be reported within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes:

- 1) The total number of filtered water turbidity measurements taken during the month.
- 2) The number and percentage of filtered water turbidity measurements taken during the month that which are less than or equal to the turbidity limits specified in Section 611.250 for the filtration technology being used.
- 3) The date and value of any turbidity measurements taken during the month that which exceed 5 NTU.

- b) Disinfection information specified in Section 611.533 must be reported to the Agency within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes:

- 1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.
- 2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.
- 3) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring

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pursuant to Sections 611.240 through 611.242:

- A) Number of instances where the RDC is measured;
- B) Number of instances where the RDC is not measured but HPC is measured;
- C) Number of instances where the RDC is measured but not detected and no HPC is measured;
- D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
- E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
- F) For the current and previous month the supplier serves water to the public, the value of "v" in the following formula:

$$V = \frac{100(c + d + e)}{(a + b)}$$

where:

- a = Value in subsection (b)(3)(A) of this Section
- b = Value in subsection (b)(3)(B) of this Section
- c = Value in subsection (b)(3)(C) of this Section
- d = Value in subsection (b)(3)(D) of this Section
- e = Value in subsection (b)(3)(E) of this Section

- G) Subsections (b)(3)(A) through (b)(3)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC.

- c) Reporting health threats.
 - 1) Each supplier, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
 - 2) If at any time the turbidity exceeds 5 NTU, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the exceedence is known, in accordance with the public notification requirements under Section 611.903(b)(3).
 - 3) If at any time the residual falls below 0.2 mg/L in the water entering the distribution system, the supplier must notify the Agency as soon as possible, but no later than by the end of the next business day. The supplier also must notify the Agency by the end of the next business day whether or not the residual was restored to at least 0.2 mg/L within four hours.

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BOARD NOTE: Derived from 40 CFR 141.75(b) (2000) (1999) as amended at 65 Fed. Reg. 26022 (May 4, 2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section 611.301 Revised MCLs for Inorganic Chemicals

- a) This subsection corresponds with 40 CFR 141.62(a), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- b) The MCLs in the following table apply to CWSs. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite, and total nitrate and nitrite also apply to transient non-CWSs.

Contaminant	MCL	Units
Antimony	0.006	mg/L
Asbestos	7	MFL
Barium	2	mg/L
Beryllium	0.004	mg/L
Cadmium	0.005	mg/L
Chromium	0.1	mg/L
Cyanide (as free CN(-))	0.2	mg/L
Fluoride	4.0	mg/L
Mercury	0.002	mg/L
Nitrate (as N)	10.	mg/L
Nitrite (as N)	1.	mg/L
Total Nitrate and Nitrite (as N)	10.	mg/L
Selenium	0.05	mg/L
Thallium	0.002	mg/L

BOARD NOTE: See Section 611.300(d) for an elevated nitrate level for non-CWSs. USEPA removed and reserved the MCL for nickel on June 29, 1995, at 60 Fed. Reg. 33932, as a result of a judicial order in Nickel Development Institute v. EPA, No. 92-1407, and Specialty Steel Industry of the U.S. v. Browner, No. 92-1410 (D.C. Cir. Feb. 23 & Mar. 6, 1995), while retaining the contaminant, analytical methodology, and detection limit listings for this contaminant.

- c) USEPA has identified the following as BAT for achieving compliance with the MCL for the inorganic contaminants identified in subsection (b) of this Section above, except for fluoride:

Contaminant	BAT(s)
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Antimony	C/F RO	
Asbestos	C/F DDF CC	
Barium	IX LIME RO ED	
Beryllium	AA C/F IX LIME RO	
Cadmium	C/F IX LIME RO	
Chromium	C/F IX LIME, BAT for Cr (III) only RO	
Cyanide	IX RO Cl(2)	
Mercury	C/F, BAT only if influent Hg concentrations less than or equal to (\leq) 10 ug/L GAC LIME, BAT only if influent Hg concentrations \leq 10 ug/L RO, BAT only if influent Hg concentrations \leq 10 ug/L (ug=micrograms)	
Nickel	IX LIME RO	
Nitrate	IX RO	

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Nitrite	ED
	IX
	RO
Selenium	AAL
	C/F, BAT for Se (IV) only
	LIME
	RO
	ED
Thallium	AAL
	IX
Abbreviations	Activated alumina
C/F	Coagulation/filtration
DDF	Direct and diatomite filtration
GAC	Granular activated carbon
IX	Ion exchange
LIME	Lime softening
RO	Reverse osmosis
CC	Corrosion control
ED	Electrodialysis
Cl[2]	Oxidation (chlorine)
UV	Ultraviolet irradiation

BOARD NOTE: Derived from 40 CFR 141.62 (2000+995).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.330 Maximum Contaminant Levels for Radionuclides Radium-and-Gross Alpha-Particle-Activity

~~the--following-are-the-MCLs-for--radium-226,--radium-228-and-gross-alpha-particle radioactivity:~~

- a) ~~Combined-radium-226-and-radium-228--5-pCi/hr~~
- b) ~~Gross-alpha-particle-activity--{including--radium-226--but--excluding radon-and-uranium}--15-pCi/hr~~
- a) This subsection corresponds with 40 CFR 141.66(a), marked reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- b) MCL for combined radium-226 and -228. The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/L. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.
- c) MCL for gross alpha particle activity (excluding radon and uranium).

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The maximum contaminant level for gross alpha particle activity (including radium-226 but excluding radon and uranium) is 15 pCi/L.

d) Effective December 8, 2003, MCL for beta particle and photon radioactivity.

- 1) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year (mrem/year).
- 2) Except for the radionuclides listed in the following table, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of two liters per day drinking water intake, using the 168-hour data list set forth in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," incorporated by reference in Section 611.102, available from the NIOS. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ must not exceed 4 mrem/year.

Average Annual Concentrations Assumed to Produce a Total Body or Organ Dose of 4 mrem/yr

Radionuclide	Critical organ	pCi per liter
1. Tritium	Total body	20,000
2. Strontium-90	Bone Marrow	8

e) MCL for uranium. Effective December 8, 2003, the maximum contaminant level for uranium is 30 ug/L.

f) Compliance dates for combined radium-226 and -228, gross alpha particle activity, gross beta particle and photon radioactivity, and uranium: Effective December 8, 2003, a CWS supplier must comply with the MCLs listed in subsections (b) through (e) of this Section beginning December 8, 2003, and compliance must be determined in accordance with the requirements of Subpart Q of this Part. Compliance with reporting requirements for the radionuclides under Appendices A, G, and H of this Part is required before December 8, 2003.

g) Best available technologies (BATs) for radionuclides. USEPA has identified the technologies indicated in the following table as the best technology available (BAT) for achieving compliance with the MCLs for combined radium-226 and -228, uranium, gross alpha particle activity, and beta particle and photon radioactivity.

BAT for Combined Radium-226 and Radium-228,
Uranium, Gross Alpha Particle Activity, and
Beta Particle and Photon Radioactivity

Contaminant BAT

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1. Combined radium-226 and radium-228
2. Uranium
3. Gross alpha particle activity (excluding Radon and Uranium).
4. Beta particle and photon radioactivity.

alumina

waters:
competing anion
concentrations
may affect
regeneration
frequency.
Can treat a wide
range of water
qualities.

11. Enhanced coagulation/filtration (i) Advanced

h) Small systems compliance technologies list for radionuclides.

List of Small Systems Compliance Technologies for Radionuclides and Limitations to Use

Unit technologies	Unit Limitations (see footnotes)	Operator skill level required(1)	Raw water quality range and considerations.(1)
1. Ion exchange (IE)	(a) Intermediate		All ground waters.
2. Point of use (POU(2)) IE	(b) Basic		All ground waters.
3. Reverse osmosis (RO)	(c) Advanced		Surface waters usually require pre-filtration. Surface waters usually require pre-filtration. All waters.
4. POU(2) RO	(b) Basic		Surface waters usually require pre-filtration. All waters.
5. Lime softening	(d) Advanced		Surface waters usually require pre-filtration. All waters.
6. Green sand filtration	(e) Basic		Surface waters usually require pre-filtration. All waters.
7. Co-precipitation with Barium sulfate	(f) Intermediate to Advanced		Ground waters with suitable water quality.
8. Electrodialysis/electrodialysis reversal.	Basic to Intermediate		All ground waters.
9. Pre-formed hydrous Manganese oxide filtration.	(g) Intermediate		All ground waters.
10. Activated	(a), (h) Advanced		All ground

- (1) National Research Council (NRC). "Safe Water from Every Tap: Improving Water Service to Small Communities," National Academy Press, Washington, D.C. 1997.

- (2) A POU, or "point-of-use" technology is a treatment device installed at a single tap used for the purpose of reducing contaminants in drinking water at that one tap. POU devices are typically installed at the kitchen tap. See the April 21, 2000 NODA for more details.

Limitations Footnotes: Technologies for Radionuclides:

- a The regeneration solution contains high concentrations of the contaminant ions. Disposal options should be carefully considered before choosing this technology.
 - b When POU devices are used for compliance, programs for long-term operation, maintenance, and monitoring must be provided by water utility to ensure proper performance.
 - c Reject water disposal options should be carefully considered before choosing this technology.
- BOARD NOTE: In corresponding 40 CFR 141.66, Table C, footnote c states in part as follows: "See other RO limitations described in the SWTR Compliance Technologies Table." Table C was based in the SWTR Compliance Technologies Table for Radionuclides" significant part on "Table 13.--Technologies for Radionuclides" that appears at 63 Fed. Reg. 42032 at 42043 (August 6, 1998), which refers to "Table 2.--SWTR Compliance Technology Table: Filtration." That Table 2 lists the limitations on RO as follows:
- (d) Blending (combining treated water with untreated raw water) cannot be practiced at risk of increasing microbial concentrations in finished water.
 - (e) Post-disinfection recommended as a safety measure and for residual maintenance.
 - (f) Post-treatment corrosion control will be needed prior to distribution. 63 Fed. Reg. at 42036.
- d The combination of variable source water quality and the complexity of the water chemistry involved may make this technology too complex for small surface water systems.
- e Removal efficiencies can vary depending on water quality.

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- f This technology may be very limited in application to small systems. Since the process requires static mixing, detention basins, and filtration, it is most applicable to systems with sufficiently high sulfate levels that already have a suitable filtration treatment train in place.
- g This technology is most applicable to small systems that already have filtration in place.
- h Handling of chemicals required during regeneration and pH adjustment may be too difficult for small systems without an adequately trained operator.
- i Assumes modification to a coagulation/filtration process already in place.

Compliance Technologies by System Size Category
for Radionuclide NPDWR's

Contaminant	Compliance technologies (1) for system size categories (population served)	
	25-500	501-3,300
1. Combined radium-226 and radium-228	1,2,3,4,5,6,7,8,9	1,2,3,4,5,6,7,8,9
2. Gross alpha particle activity	3,4	3,4
3. Beta particle activity and photon activity	1,2,3,4	1,2,3,4
4. Uranium	1,2,4,10	1,2,3,4,5,10,11

Note: (1) Numbers correspond to those technologies found listed in the table, "List of Small Systems Compliance Technologies for Radionuclides and Limitations to Use," set forth above.

BOARD NOTE: Derived from 40 CFR 141.66, as added at 65 Fed. Reg. 76748 (December 7, 2000), effective December 8, 2003 141-15-(1989).

(Source: Former Section 611.330 repealed and new Section 611.330 adopted at 25 Ill. Reg. _____, effective _____)

Section 611.331 Beta Particle and Photon Radioactivity

The following provisions apply until December 8, 2003:

- a) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not

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- produce an annual dose equivalent to the total body or any internal organ greater than 4 mrem/year.
- b) Except for the radionuclides listed below, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of a 2 liter per day drinking water intake using the 168 hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, incorporated by reference in Section 611.102. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ must not exceed 4 mrem/year.

AVERAGE ANNUAL CONCENTRATIONS ASSUMED TO PRODUCE A TOTAL BODY OR ORGAN DOSE OF 4 mrem/year

Radionuclide	Critical Organ	pci/L
Tritium	Total body	20,000
Strontium-90	Bone marrow	8

BOARD NOTE: Derived from 40 CFR 141.16 (1989), as removed at 65 Fed. Reg. 76745 (December 7, 2000), effective December 8, 2003.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART G: LEAD AND COPPER

Section 611.350 General Requirements

- a) Applicability and Scope
- 1) Applicability. The requirements of this Subpart constitute national primary drinking water regulations for lead and copper. This Subpart applies to all community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs).
 - 2) Scope. This Subpart establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.
 - b) Definitions. For the purposes of only this Subpart, the following terms must ~~shall~~ have the following meanings:

"Action level" means the concentration of lead or copper in water computed pursuant to subsection (c) of this Section ~~below~~ that determines, in some cases, the treatment requirements of this Subpart ~~that~~ which a supplier must complete. The action level

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for lead is 0.015 mg/L. The action level for copper is 1.3 mg/L.

"Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

"Effective corrosion inhibitor residual" means a concentration of inhibitor in the drinking water sufficient to form a passivating film on the interior walls of a pipe.

"Exceed" as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier's samples collected during a six-month monitoring period is greater than the action level for that contaminant.

"First draw sample" means a one-liter sample of tap water, collected in accordance with Section 611.356(b)(2), that has been standing in plumbing pipes for at least six hours and which is collected without flushing the tap.

"Large system" means a water system that regularly serves water to more than 50,000 persons.

"Lead service line" means a service line made of lead that connects the water main to the building inlet, including any lead pigtail, gooseneck, or other fitting that is connected to such lead line.

"Maximum permissible concentration" or "MPC" means that concentration of lead or copper for finished water entering the supplier's distribution system, designated by the Agency by a SPP pursuant to Sections 611.110 and 611.353(b) that reflects the contaminant removal capability of the treatment properly operated and maintained.

BOARD NOTE: Derived from 40 CFR 141.63(b)(4) (2000) (1994) (Section 611.353(b)(4)(B)).

"Medium-sized system" means a water system that regularly serves water to more than 3,300 up to 50,000 or fewer persons.

"Meet" as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier's samples collected during a six-month monitoring period is less than or equal to the action level for that contaminant.

"Method detection limit" or "MDL" is as defined at Section 611.646(a). The MDL for lead is 0.001 mg/L. The MDL for copper

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is 0.001 mg/L, or 0.020 mg/L by atomic absorption direct aspiration method.

BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(iii) (2000) (1994).

"Monitoring period" means any of the six-month periods of time during which a supplier must complete a cycle of monitoring under this Subpart.

BOARD NOTE: USEPA refers to these as "monitoring periods." The Board uses "six-month monitoring period" to avoid confusion with "compliance period" as used elsewhere in this Part and defined at Section 611.101.

"Multiple-family residence" means a building that is currently used as a multiple-family residence, but not one that is also a "single-family structure."

"90th percentile level" means that concentration of lead or copper contaminant exceeded by ten percent or fewer of all samples collected during a six-month monitoring period pursuant to Section 611.356 (i.e., that concentration of contaminant greater than or equal to the results obtained from 90 percent of the samples). The 90th percentile levels for copper and lead must be determined pursuant to subsection (c)(3) of this Section below.

BOARD NOTE: Derived from 40 CFR 141.80(c) (2000) (1994).

"Optimal corrosion control treatment" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

"Practical quantitation limit" or "PQL" means the lowest concentration of a contaminant that a well-operated laboratory can reliably achieve within specified limits of precision and accuracy during routine laboratory operating conditions. The PQL for lead is 0.005 mg/L. The PQL for copper is 0.050 mg/L.

BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(i) and (a)(1)(iv) (2000) (1994).

"Service line sample" means a one-liter sample of water, collected in accordance with Section 611.356(b)(3), that has been standing for at least six hours in a service line.

"Single-family structure" means a building that was constructed as a single-family residence and which is currently used as either a residence or a place of business.

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"Small system" means a water system that regularly serves water to 3,300 or fewer persons.

BOARD NOTE: Derived from 40 CFR 141.2 (2000) §19947.

c) Lead and Copper Action Levels:

- 1) The lead action level is exceeded if the 90th percentile lead level is greater than 0.015 mg/L.
- 2) The copper action level is exceeded if the 90th percentile copper level is greater than 1.3 mg/L.
- 3) Suppliers must ~~shall~~ compute the 90th percentile lead and copper levels as follows:

A) List the results of all lead or copper samples taken during a six-month monitoring period in ascending order, ranging from the sample with the lowest concentration first to the sample with the highest concentration last. Assign each sampling result a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level must ~~shall~~ be equal to the total number of samples taken.

B) Determine the number for the 90th percentile sample by multiplying the total number of samples taken during the six-month monitoring period by 0.9.

C) The contaminant concentration in the sample with the number yielded by the calculation in subsection (c)(3)(B) of this Section above is the 90th percentile contaminant level.

D) For suppliers that collect five 5 samples per six-month monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

d) Corrosion Control Treatment Requirements:

1) All suppliers must ~~shall~~ install and operate optimal corrosion control treatment.

2) Any supplier that complies with the applicable corrosion control treatment requirements specified by the Agency pursuant to Sections 611.351 and 611.352 is deemed in compliance with the treatment requirement of subsection (d)(1) of this Section above.

e) Source water treatment requirements. Any supplier whose system exceeds the lead or copper action level must ~~shall~~ implement all applicable source water treatment requirements specified by the Agency pursuant to Section 611.353.

f) Lead service line replacement requirements. Any supplier whose system exceeds the lead action level after implementation of applicable corrosion control and source water treatment requirements must ~~shall~~ complete the lead service line replacement requirements contained in Section 611.354.

g) Public education requirements. Any supplier whose system exceeds the lead action level must ~~shall~~ implement the public education requirements contained in Section 611.355.

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h) Monitoring and analytical requirements. Suppliers must ~~shall~~ complete all tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this Subpart in compliance with Sections 611.356, 611.357, 611.358, and 611.359.

i) Reporting requirements. Suppliers must ~~shall~~ report to the Agency any information required by the treatment provisions of this Subpart and Section 611.630.

j) Recordkeeping requirements. Suppliers must ~~shall~~ maintain records in accordance with Section 611.361.

k) Violation of national primary drinking water regulations. Failure to comply with the applicable requirements of this Subpart, including conditions imposed by the Agency by special exception permit (SEP) pursuant to these provisions, must ~~shall~~ constitute a violation of the national primary drinking water regulations for lead or copper.

BOARD NOTE: Derived from 40 CFR 141.80 (2000) §19947.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.351 Applicability of Corrosion Control

a) Corrosion control required. Suppliers must complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.

1) Large systems. Each large system supplier (one regularly serving more than 50,000 persons) must complete the corrosion control treatment steps specified in subsection (d) of this Section, unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3) of this Section.

2) Medium-sized and small systems. Each small system supplier (one regularly serving 3,300 or fewer persons) and each medium-sized system (one regularly serving more than 3,300 up to 50,000 persons) must complete the corrosion control treatment steps specified in subsection (e) of this Section, unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3) of this Section.

b) Suppliers deemed to have optimized corrosion control. A supplier is deemed to have optimized corrosion control, and is not required to complete the applicable corrosion control treatment steps identified in this Section, if the supplier satisfies one of the criteria specified in subsections (b)(1) through (b)(3) of this Section. Any such system deemed to have optimized corrosion control under this subsection, and which has treatment in place, must continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Agency determines are appropriate to ensure optimal corrosion control treatment is maintained.

1) Small or medium-sized system meeting action levels. A small

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system or medium-sized system supplier is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods with monitoring conducted in accordance with Section 611.356.

- 2) SEP for equivalent activities to corrosion control. The Agency must, by a SEP granted pursuant to Section 611.110, deem any supplier to have optimized corrosion control treatment if it determines that the supplier has conducted activities equivalent to the corrosion control steps applicable under this Section. In making this determination, the Agency must specify the water quality control parameters representing optimal corrosion control in accordance with Section 611.352(f). A water supplier that is deemed to have optimized corrosion control under this subsection (b)(2) must operate in compliance with the Agency-designated optimal water quality control parameters in accordance with Section 611.352(g) and must continue to conduct lead and copper tap and water quality parameter sampling in accordance with Sections 611.356(d)(3) and 611.357(d), respectively. A supplier must provide the Agency with the following information in order to support an Agency SEP determination under this subsection (b)(2):

- A) The results of all test samples collected for each of the water quality parameters in Section 611.352(c)(3);
 - B) A report explaining the test methods the supplier used to evaluate the corrosion control treatments listed in Section 611.352(c)(1), the results of all tests conducted, and the basis for the supplier's selection of optimal corrosion control treatment;
 - C) A report explaining how the supplier has installed corrosion control and how the supplier maintains it to insure minimal lead and copper concentrations at consumer's taps; and
 - D) The results of tap water samples collected in accordance with Section 611.356 at least once every six months for one year after corrosion control has been installed.
- 3) Results less than practical quantitation level (PQL) for lead. Any supplier is deemed to have optimized corrosion control if it submits results of tap monitoring conducted in accordance with Section 611.356 and source water monitoring conducted in accordance with Section 611.358 that demonstrate that for two consecutive six-month monitoring periods the difference between the 90th percentile tap water lead level, computed pursuant to Section 611.350(c)(3), and the highest source water lead concentration is less than the practical quantitation level for lead specified in Section 611.359(a)(1)(B)(i).
- A) Those systems whose highest source water lead level is below the method detection limit (MDL) may also be deemed to have optimized corrosion control under this subsection (b) if the

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90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive six-month monitoring periods.

- B) Any water system deemed to have optimized corrosion control in accordance with this subsection (b) must continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in Section 611.356(c) and collecting the samples at times and locations specified in Section 611.356(d)(4)(D). Any such system that has not conducted a round of monitoring pursuant to Section 611.356(d) since September 30, 1997, must complete a round of monitoring pursuant to this subsection (b) no later than September 30, 2000.

BOARD NOTE: USEPA specified September 30, 2000 at 40 CFR 141.81(b)(3)(ii) (1999), as amended at 65 Fed. Reg. 2004-12-17-2000. In order to remain identical-in-substance and to retain State primacy, the Board retained this date despite the fact that this Section became effective after that date.

- C) Any water system deemed to have optimized corrosion control pursuant to this subsection (b) must notify the Agency in writing pursuant to Section 611.360(a)(3) of any change in treatment or the addition of a new source. The Agency must require any such system to conduct additional monitoring or to take other action if the Agency determines that the additional monitoring is necessary and appropriate to ensure that the supplier maintains minimal levels of corrosion in its distribution system.

- D) As of July 12, 2001, a supplier is not deemed to have optimized corrosion control under this subsection (b), and must implement corrosion control treatment pursuant to subsection (b)(3)(E) of this Section, unless it meets the copper action level.

- E) Any supplier triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this subsection must implement corrosion control treatment in accordance with the deadlines in subsection (e) of this Section. Any such large system supplier must adhere to the schedule specified in that subsection (e) for a medium-sized system supplier, with the time periods for completing each step being triggered by the date the supplier is no longer deemed to have optimized corrosion control under this subsection (b).

- c) Suppliers not required to complete corrosion control steps for having met both action levels.

- 1) Any small system or medium-sized system supplier, otherwise required to complete the corrosion control steps due to its

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exceedence exceedence of the lead or copper action level, may cease completing the treatment steps after the supplier has fulfilled both of the following conditions:

A) It has met both the copper action level and the lead action level during each of two consecutive six-month monitoring periods conducted pursuant to Section 611.356, and

B) The supplier has submitted the results for those two consecutive six-month monitoring periods to the Agency.

2) A supplier that has ceased completing the corrosion control steps pursuant to subsection (c)(1) of this Section (or the Agency, if appropriate) must resume completion of the applicable treatment steps, beginning with the first treatment step that the supplier previously did not complete in its entirety, if the supplier thereafter exceeds the lead or copper action level during any monitoring period.

3) The Agency may, by SEP, require a supplier to repeat treatment steps previously completed by the supplier where it determines that this is necessary to properly implement the treatment requirements of this Section. Any such SEP must explain the basis for this decision.

4) The requirement for any small or medium-sized system supplier to implement corrosion control treatment steps in accordance with subsection (e) of this Section (including systems deemed to have optimized corrosion control under subsection (b)(1) of this Section) is triggered whenever any small or medium-sized system supplier exceeds the lead or copper action level.

d) Treatment steps and deadlines for large systems. Except as provided in subsections (b)(2) and (b)(3) of this Section, large system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) on or before the indicated dates.

1) Step 1: The supplier must conduct initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods on or before January 1, 1993.

BOARD NOTE: USEPA specified January 1, 1993 at 40 CFR 141.81(d)(1) [2000] †1999†. In order to remain identical-in-substance and to retain State primacy, the Board retained this date despite the fact that this Section became effective after that date.

2) Step 2: The supplier must complete corrosion control studies (Section 611.352(c)) on or before July 1, 1994.

3) Step 3: The Agency must approve optimal corrosion control treatment (Section 611.352(d)) by a SEP issued pursuant to Section 611.110 on or before January 1, 1995.

4) Step 4: The supplier must install optimal corrosion control treatment (Section 611.352(e)) by January 1, 1997.

5) Step 5: The supplier must complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) by January 1, 1998.

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6) Step 6: The Agency must review installation of treatment and approve optimal water quality control parameters (Section 611.352(f)) by July 1, 1998.

7) Step 7: The supplier must operate in compliance with the Agency-specified optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

e) Treatment steps and deadlines for small and medium-sized system suppliers. Except as provided in subsection (b) of this Section, small and medium-sized system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356 and 611.357) by the indicated time periods.

1) Step 1: The supplier must conduct initial tap sampling (Sections 611.356(d)(1) and 611.357(b)) until the supplier either exceeds the lead action level or the copper action level or it becomes eligible for reduced monitoring under Section 611.356(d)(4). A supplier exceeding the lead action level or the copper action level must recommend optimal corrosion control treatment (Section 611.352(a)) within six months after it exceeds one of the action levels.

2) Step 2: Within 12 months after a supplier exceeds the lead action level or the copper action level, the Agency may require the supplier to perform corrosion control studies (Section 611.352(b)). If the Agency does not require the supplier to perform such studies, the Agency must, by a SEP issued pursuant to Section 611.110, specify optimal corrosion control treatment (Section 611.352(d)) within the following timeframes:

A) for medium-sized systems, within 18 months after such supplier exceeds the lead action level or the copper action level,

B) for small systems, within 24 months after such supplier exceeds the lead action level or the copper action level.

3) Step 3: If the Agency requires a supplier to perform corrosion control studies under step 2 (subsection (e)(2) of this Section), the supplier must complete the studies (Section 611.352(c)) within 18 months after the Agency requires that such studies be conducted.

4) Step 4: If the supplier has performed corrosion control studies under step 2 (subsection (e)(2) of this Section), the Agency must, by a SEP issued pursuant to Section 611.110, approve optimal corrosion control treatment (Section 611.352(d)) within six months after completion of step 3 (subsection (e)(3) of this Section).

5) Step 5: The supplier must install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves such treatment.

6) Step 6: The supplier must complete follow-up sampling (Sections

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611.356(d)(2) and 611.357(c)) within 36 months after the Agency approves optimal corrosion control treatment.

7) Step 7: The Agency must review the supplier's installation of treatment and, by a SEP issued pursuant to Section 611.110, approve optimal water quality control parameters (Section 611.352(f)) within six months after completion of step 6 (subsection (e)(6) of this Section).

8) Step 8: The supplier must operate in compliance with the Agency-approved optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

BOARD NOTE: Derived from 40 CFR 141.81 (2000) {1999}-as-amended-at-65 Fed--Reg--2004-42an--127-20007.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.353 Source Water Treatment

Suppliers must shall complete the applicable source water monitoring and treatment requirements (described in the referenced portions of subsection (b) of this Section below, and in Sections 611.356 and 611.358) by the following deadlines.

- a) Deadlines for Completing Source Water Treatment Steps
 - 1) Step 1: A supplier exceeding the lead action level or the copper action level must shall complete lead and copper and source water monitoring (Section 611.358(b)) and make a treatment recommendation to the Agency (subsection (b)(1) of this Section below) within six months after exceeding the pertinent action level.
 - 2) Step 2: The Agency must shall, by a SEP issued pursuant to Section 611.110, make a determination regarding source water treatment (subsection (b)(2) of this Section below) within six months after submission of monitoring results under step 1.
 - 3) Step 3: If the Agency requires installation of source water treatment, the supplier must shall install that treatment (subsection (b)(3) of this Section below) within 24 months after completion of step 2.
 - 4) Step 4: The supplier must shall complete follow-up tap water monitoring (Section 611.356(d)(2)) and source water monitoring (Section 611.358(c)) within 36 months after completion of step 2.
 - 5) Step 5: The Agency must shall, by a SEP issued pursuant to Section 611.110, review the supplier's installation and operation of source water treatment and specify MPCs for lead and copper (subsection (b)(4) of this Section below) within six months after completion of step 4.
 - 6) Step 6: The supplier must shall operate in compliance with the Agency-specified lead and copper MPCs (subsection (b)(4) of this

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Section below) and continue source water monitoring (Section 611.358(d)).

b) Description of Source Water Treatment Requirements

1) System treatment recommendation. Any supplier that exceeds the lead action level or the copper action level must shall recommend in writing to the Agency the installation and operation of one of the source water treatments listed in subsection (b)(2) of this Section below. A supplier may recommend that no treatment be installed based on a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

2) Agency determination regarding source water treatment.

- A) The Agency must shall complete an evaluation of the results of all source water samples submitted by the supplier to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps.

B) If the Agency determines that treatment is needed, the Agency must shall, by a SEP issued pursuant to Section 611.110, either require installation and operation of the source water treatment recommended by the supplier (if any) or require the installation and operation of another source water treatment from among the following:

- i) ion exchange,
 - ii) reverse osmosis,
 - iii) lime softening, or
 - iv) coagulation/filtration.
- C) The Agency may request and the supplier must submit such additional information, on or before a certain date, as the Agency determines is necessary to aid in its review.
- D) The Agency must shall notify the supplier in writing of its determination and set forth the basis for its decision.
- 3) Installation of source water treatment. Each supplier must shall properly install and operate the source water treatment approved by the Agency under subsection (b)(2) of this Section above.
- 4) Agency review of source water treatment and specification of maximum permissible source water levels (MPCs).

- A) The Agency must shall review the source water samples taken by the supplier both before and after the supplier installs source water treatment, and determine whether the supplier has properly installed and operated the approved source water treatment.
- B) Based on its review, the Agency must shall, by a SEP issued pursuant to Section 611.110, approve the lead and copper MPCs for finished water entering the supplier's distribution system. Such levels must shall reflect the contaminant removal capability of the treatment properly operated and maintained.
- C) The Agency must shall explain the basis for its decision

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- under subsection (b)(4)(B) of this Section above.
- 5) Continued operation and maintenance. Each supplier must ~~shall~~ maintain lead and copper levels below the MPCs approved by the Agency at each sampling point monitored in accordance with Section 611.358. The supplier is out of compliance with this subsection if the level of lead or copper at any sampling point is greater than the MPC approved by the Agency pursuant to subsection (b)(4)(B) of this Section above.
- 6) Modification of Agency treatment decisions.

- A) On its own initiative, or in response to a request by a supplier, the Agency may, by a SEP issued pursuant to Section 611.110, modify its determination of the source water treatment under subsection (b)(2) of this Section above, or the lead and copper MPCs under subsection (b)(4) of this Section above.
- B) A request for modification by a supplier ~~must~~ shall be in writing, explain why the modification is appropriate, and provide supporting documentation.
- C) The Agency may, by a SEP issued pursuant to Section 611.110, modify its determination where it concludes that such change is necessary to ensure that the supplier continues to minimize lead and copper concentrations in source water.
- D) A revised determination made pursuant to subsection (b)(6)(C) of this Section above ~~must~~ shall set forth the new treatment requirements, explain the basis for the Agency's decision, and provide an implementation schedule for completing the treatment modifications.
- E) Any interested person may submit information to the Agency, in writing, that bears on whether the Agency should, within its discretion, issue a SEP to modify its determination pursuant to subsection (h)(1) of this Section above. An Agency determination not to act on a submission of such information by an interested person is not an Agency determination for the purposes of Sections 39 and 40 of the Act.

- 7) Treatment decisions by USEPA. Pursuant to the procedures in 40 CFR 142.19, the USEPA Regional Administrator reserves the prerogative to review treatment determinations made by the Agency under subsections (b)(2), (b)(4), or (b)(6) of this Section above and issue federal treatment determinations consistent with the requirements of 40 CFR 141.83(b)(2), (b)(4), and (b)(6), where the Administrator finds that:

- A) the Agency has failed to issue a treatment determination by the applicable deadline contained in subsection (a) of this Section above,
- B) the Agency has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or
- C) the technical aspects of the Agency's determination would be

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indefensible in an expected federal enforcement action taken against a supplier.

BOARD NOTE: Derived from 40 CFR 141.83 [2000] (1992).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.356 Tap Water Monitoring for Lead and Copper

- a) Sample site location.

- 1) Selecting a pool of targeted sampling sites.
- A) By the applicable date for commencement of monitoring under subsection (d)(1) of this Section, each supplier must complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this Section.
- B) The pool of targeted sampling sites must be sufficiently large to ensure that the supplier can collect the number of lead and copper tap samples required by subsection (c) of this Section.
- C) The supplier must shall select the sites for collection of first draw samples from this pool of targeted sampling sites.
- D) The supplier must not select as sampling sites any faucets that have point-of-use or point-of-entry treatment devices designed to remove or capable of removing inorganic contaminants.
- 2) Materials evaluation.

- A) A supplier must use the information on lead, copper, and galvanized steel collected pursuant to 40 CFR 141.42(d) (special monitoring for corrosivity characteristics) when conducting a materials evaluation.
- B) When an evaluation of the information collected pursuant to 40 CFR 141.42(d) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in subsection (a) of this Section, the supplier must review the following sources of information in order to identify a sufficient number of sampling sites:
- All plumbing codes, permits, and records in the files of the building departments that indicate the plumbing materials that are installed within publicly- and privately-owned structures connected to the distribution system;
 - All inspections and records of the distribution system that indicate the material composition of the service connections which connect a structure to the distribution system;
 - All existing water quality information, which includes

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the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations; and

iv) The supplier must seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).

3) Tiers of sampling sites. Suppliers must categorize the sampling sites within their pool according to the following tiers:

A) CWS Tier 1 sampling sites. "CWS Tier 1 sampling sites" must include the following single-family structures:

- i) Those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
- ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(A) was derived from segments of 40 CFR 141.86(a)(3) [2000] †1999†. This allows the pool of CWS tier 1 sampling sites to consist exclusively of structures served by lead service lines.

B) CWS Tier 2 sampling sites. "CWS Tier 2 sampling sites" must include the following buildings, including multiple-family structures:

- i) Those that contain copper pipes with lead solder installed after 1982 or contain lead pipes; or
- ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(B) was derived from segments of 40 CFR 141.86(a)(4) [2000] †1999†. This allows the pool of CWS tier 2 sampling sites to consist exclusively of structures served by lead service lines.

C) CWS Tier 3 sampling sites. "CWS Tier 3 sampling sites" must include the following single-family structures: those that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(C) was derived from segments of 40 CFR 141.86(a)(5) [2000] †1999†.

D) NTCWS Tier 1 sampling sites. "NTCWS Tier 1 sampling sites" must include the following buildings:

- i) Those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
- ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(D) was derived from segments of 40 CFR 141.86(a)(6) [2000] †1999†. This allows the pool of NTCWS tier 1 sampling sites to consist exclusively of buildings served by lead service lines.

E) Alternative NTCWS sampling sites. "Alternative NTCWS sampling sites" must include the following buildings: those

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that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(E) was derived from segments of 40 CFR 141.86(a)(7) [2000] †1999†.

4) Selection of sampling sites. Suppliers must select sampling sites for their sampling pool as follows:

A) CWS Suppliers. CWS Suppliers must use CWS tier 1 sampling sites, except that the supplier may include CWS tier 2 or CWS tier 3 sampling sites in its sampling pool as follows:

- i) If multiple-family residences comprise at least 20 percent of the structures served by a supplier, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(i) was derived from a segment of 40 CFR 141.86(a)(3)(ii) [2000] †1999†.

- ii) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites on its distribution system, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(ii) was derived from a segment of 40 CFR 141.86(a)(4) [2000] †1999†.

- iii) If the CWS supplier has an insufficient number of CWS tier 1 and CWS tier 2 sampling sites on its distribution system, the supplier may complete its sampling pool with CWS tier 3 sampling sites.

BOARD NOTE: Subsection (a)(4)(A)(iii) was derived from a segment of 40 CFR 141.86(a)(5) [2000] †1999†.

- iv) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites, the supplier must use those CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites that it has and complete its sampling pool with representative sites throughout its distribution system for the balance of its sampling sites. For the purpose of this subsection (a)(4)(A)(iv), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

BOARD NOTE: Subsection (a)(4)(A)(iv) was derived from segments of 40 CFR 141.86(a)(5) [2000] †1999†-as amended-at-65-Ped-Reg-2007-(Jan-127-2000).

B) NTCWS suppliers.

- i) An NTCWS supplier must select NTCWS tier 1 sampling sites for its sampling pool.

BOARD NOTE: Subsection (a)(4)(B)(i) was derived from segments of 40 CFR 141.86(a)(6) [2000] †1999†.

- ii) If the NTCWS supplier has an insufficient number of

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NTNCWS tier 1 sampling sites, the supplier may complete its sampling pool with alternative NTNCWS sampling sites.

BOARD NOTE: Subsection (a)(4)(B)(ii) was derived from segments of 40 CFR 141.86(a)(7) (2000) ~~†1999†~~.

- iii) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites and NTNCWS alternative sampling sites, the supplier must use representative sites throughout its distribution system. For the purpose of this subsection (a)(4)(B)(ii), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

BOARD NOTE: Subsection (a)(4)(B)(iii) was derived from segments of 40 CFR 141.86(a)(7) (2000) ~~†1999†~~ as amended-at-65-Ped-Reg---2007-fdan-t27-2000†.

- C) Suppliers with lead service lines. Any supplier whose distribution system contains lead service lines must draw samples during each six-month monitoring period from sampling sites as follows:

- i) 50 percent of the samples from sampling sites that contain lead pipes or from sampling sites that have copper pipes with lead solder, and
- ii) 50 percent of those samples from sites served by a lead service line.

- iii) A supplier that cannot identify a sufficient number of sampling sites served by a lead service line must collect first-draw samples from all of the sites identified as being served by such lines.

BOARD NOTE: Subsection (a)(4)(C) was derived from segments of 40 CFR 141.86(a)(8) (2000) ~~†1999†~~ as renumbered--and-amended-at-65-Ped-Reg--2007-fdan-t27-2000†. This allows the pool of sampling sites to consist exclusively of structures or buildings served by lead service lines.

b) Sample collection methods.

- 1) All tap samples for lead and copper collected in accordance with this Subpart, with the exception of lead service line samples collected under Section 611.354(c) and samples collected under subsection (b)(5) of this Section, must be first-draw samples.

2) First-draw tap samples.

- A) Each first-draw tap sample for lead and copper must be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours.

- B) First-draw samples from residential housing must be collected from the cold water kitchen tap or bathroom sink tap.

- C) First-draw samples from a non-residential building must be

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one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

- D) Non-first-draw samples collected in lieu of first-draw samples pursuant to subsection (b)(5) of this Section must be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

- E) First-draw samples may be collected by the supplier or the supplier may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this subsection (b).

- i) To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to 14 days after the sample is collected.

- ii) After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved USEPA method before the sample can be analyzed.

- F) If a supplier allows residents to perform sampling under subsection (b)(2)(D) of this Section, the supplier may not challenge the accuracy of sampling results based on alleged errors in sample collection.

3) Service line samples.

- A) Each service line sample must be one liter in volume and have stood motionless in the lead service line for at least six hours.

- B) Lead service line samples must be collected in one of the following three ways:

- i) At the tap after flushing that volume of water calculated as being between the tap and the lead service line based on the interior diameter and length of the pipe between the tap and the lead service line;
- ii) Tapping directly into the lead service line; or
- iii) If the sampling site is a single-family structure, allowing the water to run until there is a significant change in temperature that would be indicative of water that has been standing in the lead service line.

4) Follow-up first-draw tap samples.

- A) A supplier must collect each follow-up first-draw tap sample from the same sampling site from which it collected the previous samples.

- B) If, for any reason, the supplier cannot gain entry to a sampling site in order to collect a follow-up tap sample, the supplier may collect the follow-up tap sample from another sampling site in its sampling pool, as long as the new site meets the same targeting criteria and is within reasonable proximity of the original site.

5) Substantive non-first-draw samples.

- A) A NTNCWS supplier or a CWS supplier that meets the criteria

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of Sections 611.355(c)(7)(A) and (c)(7)(B), that does not have enough taps that can supply first-draw samples, as defined in Section 611.102, may apply to the Agency in writing to substitute non-first-draw samples by a SEP granted under Section 611.110.

B) A supplier approved to substitute non-first-draw samples must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.

C) The Agency may grant a SEP that waives the requirement for prior Agency approval of non-first-draw sample sites selected by the system.

c) Number of samples.

1) Suppliers must collect at least one sample from the number of sites listed in the first column of Table D of this Part (labelled "standard monitoring") during each six-month monitoring period specified in subsection (d) of this Section.

2) A supplier conducting reduced monitoring pursuant to subsection (d)(4) of this Section must collect one sample from the number of sites specified in the second column of Table D of this Part (labelled "reduced monitoring") during each reduced monitoring period specified in subsection (d)(4) of this Section. Such reduced monitoring sites must be representative of the sites required for standard monitoring. The Agency may, by a SEP issued pursuant to Section 611.110, specify sampling locations when a system is conducting reduced monitoring.

d) Timing of monitoring.

1) Initial tap sampling.

The first six-month monitoring period for small, medium-sized and large system suppliers must begin on the dates specified in Table E of this Part.

A) All large system suppliers must monitor during each of two consecutive six-month periods.

B) All small and medium-sized system suppliers must monitor during each consecutive six-month monitoring period until the following is true:

- i) The supplier exceeds the lead action level or the copper action level and is therefore required to implement the corrosion control treatment requirements under Section 611.351, in which case the supplier must continue monitoring in accordance with subsection (d)(2) of this Section, or
- ii) The supplier meets the lead action level and the copper action level during each of two consecutive six-month monitoring periods, in which case the supplier may reduce monitoring in accordance with subsection (d)(4) of this Section.

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2) Monitoring after installation of corrosion control and source water treatment.

A) Any large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(d)(5).

B) Any small or medium-sized system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(e)(6).

C) Any supplier that installs source water treatment pursuant to Section 611.353(a)(3) must monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.353(a)(4).

3) Monitoring after the Agency specification of water quality parameter values for optimal corrosion control.

After the Agency specifies the values for water quality control parameters pursuant to Section 611.352(f), the supplier must monitor during each subsequent six-month monitoring period, with the first six-month monitoring period to begin on the date the Agency specifies the optimal values.

4)

Reduced monitoring.

A) Reduction to annual for small and medium-sized system suppliers meeting the lead and copper action levels. A small or medium-sized system supplier that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subsection (c) of this Section, and reduce the frequency of sampling to once per year.

B) SEP allowing reduction to annual for suppliers maintaining water quality control parameters.

i) Any supplier that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and the number of lead and copper samples to that specified by subsection (c) of this Section above if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110.

ii) The Agency must review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section 611.360, and must notify the system in writing by a SEP granted pursuant to Sections 611.110 when it determines the system is eligible to reduce its monitoring frequency to once

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every three years pursuant to this subsection (d)(4). The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(B)(i) of this Section when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

C) Reduction to triennial for small and medium-sized system suppliers.

i) Small and medium-sized system suppliers meeting lead and copper action levels. A small or medium-sized system supplier that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.

ii) SEP for suppliers meeting optimal corrosion control treatment. Any supplier that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f) during three consecutive years of monitoring may reduce its monitoring frequency of monitoring from annual to once every three years if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110.

iii) The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(C)(ii) of this Section when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

D) Sampling at a reduced frequency. A supplier that reduces the number and frequency of sampling must collect these samples from representative sites included in the pool of targeted sampling sites identified in subsection (a) of this Section, preferentially selecting those sampling sites from the highest tier first. Suppliers sampling annually or less frequently must conduct the lead and copper tap sampling during the months of June, July, August, or September unless the Agency has approved a different sampling period in accordance with subsection (d)(4)(D)(i) of this Section.

i) The Agency may grant a SEP pursuant to Section 611.110 that approves a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period must be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a NTNCWS supplier

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that does not operate during the months of June through September and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Agency must designate a period that represents a time of normal operation for the system.

ii) A supplier monitoring annually that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collection period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 21 months after the previous round of sampling. A supplier monitoring once every three years that has been collecting samples during the month of June through September and which receives Agency approval to alter the sampling collection period as provided in subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or once every three years, as required by this Section. A small system supplier with a waiver granted pursuant to subsection (g) of this Section that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collecting period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples before the end of the nine-year compliance cycle (as that term is defined in Section 611.101).

E) Any water system that demonstrates for two consecutive six-month monitoring periods that the tap water lead level computed under Section 611.350(c)(3) is less than or equal to 0.005 mg/L and that the tap water copper level computed under Section 611.350(c)(3) is less than or equal to 0.65 mg/L may reduce the number of samples in accordance with subsection (c) of this Section and reduce the frequency of sampling to once every three calendar years.

F) Resumption of standard monitoring.

i) Small or medium-sized suppliers exceeding lead or copper action level. A small or medium-sized system supplier subject to reduced monitoring that exceeds the lead action level or the copper action level must resume sampling in accordance with subsection (d)(3) of this Section and collect the number of samples specified for standard monitoring under subsection (c)

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of this Section. Such a supplier must also conduct water quality parameter monitoring in accordance with Section 611.357(b), (c), or (d) (as appropriate) during the six-month monitoring period in which it exceeded the action level. Any such supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subsection (d)(4)(A) of this Section. Any such supplier may resume monitoring once every three years for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section.

- ii) Suppliers failing to operate within water quality control parameters. Any supplier subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.357(d) must conduct tap water sampling for lead and copper at the frequency specified in subsection (d)(3) of this Section, must collect the number of samples specified for standard monitoring under subsection (c) of this Section, and must resume monitoring for water quality parameters within the distribution system in accordance with Section 611.357(d).

- G) Any water supplier subject to a reduced monitoring frequency under subsection (d)(4) of this Section that either adds a new source of water or changes any water treatment must inform the Agency in writing in accordance with Section 611.360(a)(3). The Agency may, by a SEP granted pursuant to Section 611.110, require the system to resume sampling in accordance with subsection (d)(3) of this Section and collect the number of samples specified for standard monitoring under subsection (c) of this Section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

- H) A supplier required under subsection (d)(4)(F) of this Section to resume monitoring in accordance with Section 611.357(d) may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

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- i) The supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of subsection (d)(4)(B) of this Section and the supplier has received written approval from the Agency by a SEP pursuant to Section 611.110 that it is appropriate to resume reduced monitoring on an annual frequency.
- ii) The supplier may resume monitoring for lead and copper once every three years at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section and the system has received a SEP under Section 611.110 from the Agency that it is appropriate to resume monitoring once every three years.

- iii) The supplier may reduce the number of water quality parameter tap water samples required in accordance with Section 611.357(e)(1) and the frequency with which it collects such samples in accordance with Section 611.357(e)(2). Such a system may not resume monitoring once every three years for water quality parameters at the tap until it demonstrates, in accordance with the requirements of Section 611.357(e)(2), that it has re-qualified for monitoring once every three years.

BOARD NOTE: Subsections (d)(4)(H)(i) through (d)(4)(H)(iii) are derived from 40 CFR 141.86 (d)(4)(vi)(B)(1) through (d)(4)(vi)(B)(3), (2000) as-added--at-65--Fedr--Reg--2009 January--47--2009, since Illinois Administrative Code codification requirements allow only four indent levels of subsections.

- e) Additional monitoring. The results of any monitoring conducted in addition to the minimum requirements of this section must be considered by the supplier and the Agency in making any determinations (i.e., calculating the 90th percentile lead action level or the copper level) under this Subpart G.

- f) Invalidation of lead or copper tap water samples. A sample invalidated under this subsection does not count toward determining lead or copper 90th percentile levels under Section 611.350(c)(3) or toward meeting the minimum monitoring requirements of subsection (c) of this Section.

- 1) The Agency must invalidate a lead or copper tap water sample if it determines that one of the following conditions exists:
- A) The laboratory establishes that improper sample analysis caused erroneous results;

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- B) The sample was taken from a site that did not meet the site selection criteria of this Section;
- C) The sample container was damaged in transit; or
- D) There is substantial reason to believe that the sample was subject to tampering.
- 2) The supplier must report the results of all samples to the Agency and all supporting documentation for samples the supplier believes should be invalidated.
- 3) To invalidate a sample under subsection (f)(1) of this Section, the decision and the rationale for the decision must be documented in writing. The Agency may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.
- 4) The water supplier must collect replacement samples for any samples invalidated under this Section if, after the invalidation of one or more samples, the supplier has too few samples to meet the minimum requirements of subsection (c) of this Section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Agency invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period must not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples must be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

- g) Monitoring waivers for small system suppliers. Any small system supplier that meets the criteria of this subsection (g) may apply to the Agency to reduce the frequency of monitoring for lead and copper under this Section to once every nine years (i.e., a "full waiver") if it meets all of the materials criteria specified in subsection (g)(1) of this Section and all of the monitoring criteria specified in subsection (g)(2) of this Section. Any small system supplier that meets the criteria in subsections (g)(1) and (g)(2) of this Section only for lead, or only for copper, may apply to the State for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").

1) Materials criteria. The supplier must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials or copper-containing materials, as those terms are defined in this subsection (g)(1), as follows:

- A) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a "lead waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system is

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free of all lead-containing materials, as follows:

- i) It contains no plastic pipes that which contain lead plasticizers, or plastic service lines that which contain lead plasticizers; and
- ii) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of NSF Standard 61, section 9, incorporated by reference in Section 611.102.

BOARD NOTE: Corresponding 40 CFR 141.86(g)(1)(i)(B) specifies "any standard established pursuant to 42 USC 300g-6(e) (SDWA Section 1417(e))." USEPA has stated that the NSF standard is that standard. See 62 Fed. Reg. 44684 (Aug. 22, 1997).

- B) Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a "copper waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system contains no copper pipes or copper service lines.

- 2) Monitoring criteria for waiver issuance. The supplier must have completed at least one six-month round of standard tap water monitoring for lead and copper at sites approved by the Agency and from the number of sites required by subsection (c) of this Section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria:

- A) Lead levels. To qualify for a full waiver, or a lead waiver, the supplier must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.
- B) Copper levels. To qualify for a full waiver, or a copper waiver, the supplier must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.

- 3) State approval of waiver application. The Agency must notify the supplier of its waiver determination by a SEP issued pursuant to Section 611.110, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Agency may require the supplier to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system supplier must continue monitoring for lead and copper at the tap as required by subsections (d)(1) through (d)(4) of this Section, as appropriate, until it receives written notification from the Agency that the waiver has been approved.

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- 4) Monitoring frequency for suppliers with waivers.
 - A) A supplier with a full waiver must conduct tap water monitoring for lead and copper in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites identified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section for both lead and copper to the Agency along with the monitoring results.
 - B) A supplier with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites specified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section pertaining to the waived contaminant along with the monitoring results. Such a supplier also must continue to monitor for the non-waived contaminant in accordance with requirements of subsection (d)(1) through (d)(4) of this Section, as appropriate.
 - C) If a supplier with a full or partial waiver adds a new source of water or changes any water treatment, the supplier must notify the Agency in writing in accordance with Section 611.360(a)(3). The Agency has the authority to require the supplier to add or modify waiver conditions (e.g., require recertification that the supplier's system is free of lead-containing or copper-containing materials, require additional rounds of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.
 - D) If a supplier with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the supplier must notify the Agency in writing no later than 60 days after becoming aware of such a change.
- 5) Continued eligibility. If the supplier continues to satisfy the requirements of subsection (g)(4) of this Section, the waiver will be renewed automatically, unless any of the conditions listed in subsection (g)(5)(A) through (g)(5)(C) of this Section occur. A supplier whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of subsections (g)(1) and (g)(2) of this Section.
 - A) A supplier with a full waiver or a lead waiver no longer satisfies the materials criteria of subsection (g)(1)(A) of this Section or has a 90th percentile lead level greater than 0.005 mg/L.

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- 6) Requirements following waiver revocation. A supplier whose full or partial waiver has been revoked by the Agency is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:
 - A) If the supplier exceeds the lead or copper action level, the supplier must implement corrosion control treatment in accordance with the deadlines specified in Section 611.351(e), and any other applicable requirements of this Subpart G of this Part.
 - B) If the supplier meets both the lead and the copper action level, the supplier must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in subsection (c) of this Section.
- 7) Pre-existing waivers. Small system supplier waivers approved by the Agency in writing prior to April 11, 2000 must remain in effect under the following conditions:

BOARD NOTE: Corresponding 40 CFR 141.86(g)(7) sets forth the April 11, 2000 date. The Board has retained that date to maintain consistency with the federal requirements, despite the fact that this subsection (g)(7) became effective after that date.

 - A) If the supplier has demonstrated that it is both free of lead-containing and copper-containing materials, as required by subsection (g)(1) of this Section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of subsection (g)(2) of this Section, the waiver remains in effect so long as the supplier continues to meet the waiver eligibility criteria of subsection (g)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (g)(4) of this Section must be completed no later than nine years after the last time the supplier has monitored for lead and copper at the tap.
 - B) If the supplier has met the materials criteria of subsection (g)(1) of this Section but has not met the monitoring criteria of subsection (g)(2) of this Section, the supplier must conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of subsection (g)(2) of this Section no later than September 30, 2000. Thereafter, the waiver must remain in effect as long as the supplier meets the continued eligibility criteria of subsection (g)(5) of this Section. The first

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round of tap water monitoring conducted pursuant to subsection (g)(4) of this Section must be completed no later than nine years after the round of monitoring conducted pursuant to subsection (g)(2) of this Section.

BOARD NOTE: Corresponding 40 CFR 141.86(g)(7)(ii) sets forth the September 30, 2000 date. The Board has retained that date to maintain consistency with the federal requirements, despite the fact that this subsection (g)(7)(B) became effective after that date.

BOARD NOTE: Derived from 40 CFR 141.86 (2000) (199977--as--amended--at--65 Fed--Reg--2007-12-27-20007).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.357 Monitoring for Water Quality Parameters

All large system suppliers, and all small and medium-sized system suppliers that exceed the lead action level or the copper action level, must monitor water quality parameters in addition to lead and copper in accordance with this Section. The requirements of this Section are summarized in Table G of this Part.

a) General Requirements

1) Sample collection methods

A) Use of tap samples. The totality of all tap samples collected by a supplier must be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the supplier, and seasonal variability. Although a supplier may conveniently conduct tap sampling for water quality parameters at sites used for coliform sampling performed pursuant to Subpart L of this Part, it is not required to do so, and a supplier is not required to perform tap sampling pursuant to this Section at taps targeted for lead and copper sampling under Section 611.356(a).

B) Use of entry point samples. Each supplier must collect samples at entry points to the distribution system from locations representative of each source after treatment. If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

2) Number of samples

A) Tap samples. Each supplier must collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through

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(e) of this Section from the number of sites indicated in the first column of Table E of this Part.

B) Entry point samples.

i) Initial monitoring. Except as provided in subsection (c)(3) of this Section, each supplier must collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b) of this Section.

ii) Subsequent monitoring. Each supplier must collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e) of this Section.

b) Initial Sampling.

1) Large systems. Each large system supplier must measure the applicable water quality parameters specified in subsection (b)(3) of this Section at taps and at each entry point to the distribution system during each six-month monitoring period specified in Section 611.356(d)(1).

2) Small and medium-sized systems. Each small and medium-sized system supplier must measure the applicable water quality parameters specified in subsection (b)(3) of this Section at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.

3) Water quality parameters:

- A) pH;
- B) Alkalinity;
- C) Orthophosphate, when an inhibitor containing a phosphate compound is used;
- D) Silica, when an inhibitor containing a silicate compound is used;
- E) Calcium;
- F) Conductivity; and
- G) Water temperature.

c) Monitoring after installation of corrosion control.

1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) and (c)(5) of this Section during each six-month monitoring period specified in Section 611.356(d)(2)(A).

2) Small and medium-sized systems. Each small or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must measure the water quality parameters at the locations and frequencies specified in subsections (c)(4)

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and (c)(5) of this Section during each six-month monitoring period specified in Section 611.356(d)(2)(B) in which the supplier exceeds the lead action level or the copper action level.

- 3) Any groundwater system can limit entry point sampling described in subsection (c)(2) of this Section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated groundwater sources mixes with water from treated groundwater sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this subsection, the system must provide to the Agency written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

- 4) Tap water samples, two samples at each tap for each of the following water quality parameters:

- A) pH;
- B) Alkalinity;
- C) Orthophosphate, when an inhibitor containing a phosphate compound is used;
- D) Silica, when an inhibitor containing a silicate compound is used; and
- E) Calcium, when calcium carbonate stabilization is used as part of corrosion control.

- 5) Entry point samples, except as provided in subsection (c)(3) of this Section, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:

- A) pH;
- B) When alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
- C) When a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

- d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.

- 1) Large systems. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier must measure the applicable water quality parameters in accordance with subsection (c) of this Section and determine compliance with the requirements of Section 611.352(g)

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every six months with the first six-month period to begin on the date the State specifies the optimal values under Section 611.352(f).

- 2) Small and medium-sized systems. Each small or medium-sized system supplier must conduct such monitoring during each six-month monitoring period specified in this subsection (d) in which the supplier exceeds the lead action level or the copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to Section 611.356(d)(4) at the time of the action level exceedance, the end of the applicable six-month period under this subsection must coincide with the end of the applicable monitoring period under Section 611.356(d)(4).

- 3) Compliance with Agency-designated optimal water quality parameter values must be determined as specified under Section 611.352(g)

e) Reduced monitoring.

- 1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) of this Section must continue monitoring at the entry points to the distribution system as specified in subsection (c)(4) of this Section. Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of Table E of this Part during each subsequent six-month monitoring period.

- 2) Reduction in monitoring frequency.

- A) Staged reductions in monitoring frequency.

- i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section from every six months to annually.

- ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) of this Section may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section from annually to once every three years.

- B) A water supplier may reduce the frequency with which it

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collects tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section to every three years if it demonstrates the following during two consecutive monitoring periods:

- i) That its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in Section 611.359(a)(1)(B),
- ii) That its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in Section 611.350(c)(2), and
- iii) That it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f).

3) A supplier that conducts sampling annually or every three years must collect these samples evenly throughout the calendar year so as to reflect seasonal variability.

4) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.352(g) must resume tap water sampling in accordance with the number and frequency requirements of subsection (d) of this Section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in subsection (e)(1) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that subsection or may resume monitoring once every three years for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (e)(2)(A) or (e)(2)(B) of this Section.

f) Additional monitoring by systems. The results of any monitoring conducted in addition to the minimum requirements of this Section must be considered by the supplier and the Agency in making any determinations (i.e., determining concentrations of water quality parameters) under this Section or Section 611.352.

BOARD NOTE: Derived from 40 CFR 141.87 (2000)(+999977-as-amended-at-65 Fed-Reg-2010-12-31-2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.358 Monitoring for Lead and Copper in Source Water

a) Sample location, collection methods, and number of samples

- 1) A supplier that fails to meet the lead action level or the copper

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action level on the basis of tap samples collected in accordance with Section 611.356 must collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:

- A) A groundwater supplier must take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment (hereafter called a sampling point). The supplier must take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- B) A surface water supplier must take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point that is representative of each source after treatment (hereafter called a sampling point). The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

BOARD NOTE: For the purposes of this subsection (a)(1)(B), surface water systems include systems with a combination of surface and ground sources.

- C) If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

- D) The agency may, by a SEP issued pursuant to Section 611.110, reduce the total number of samples that ~~which~~ must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then the supplier must do either of the following:
 - i) The supplier must take and analyze a follow-up sample within 14 days at each sampling point included in the composite; or
 - ii) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the supplier may use these instead of resampling.

- 2) SEP requiring an additional sample

- A) When the Agency determines that the results of sampling indicate an exceedence ~~exceedence~~ of the lead or copper MPC established under Section 611.353(b)(4), it must, by a SEP issued pursuant to Section 611.110, require the supplier to

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collect one additional sample as soon as possible after the initial sample at the same sampling point, but no later than two weeks after the supplier took the initial sample.

- B) If a supplier takes an Agency-required confirmation sample for lead or copper, the supplier must average the results obtained from the initial sample with the results obtained from the confirmation sample in determining compliance with the Agency-specified lead and copper MPCs.

- i) Any analytical result below the MDL must be considered as zero for the purposes of averaging.
- ii) Any value above the MDL but below the PQL must either be considered as the measured value or be considered one-half the PQL.

- b) Monitoring frequency after system exceeds tap water action level. A supplier that exceeds the lead action level or the copper action level in tap sampling must collect one source water sample from each entry point to the distribution system within six months after the **exceedance**.

- c) Monitoring frequency after installation of source water treatment. A supplier that installs source water treatment pursuant to Section 611.353(a)(3) must collect an additional source water sample from each entry point to the distribution system during each of two consecutive six-month monitoring periods on or before the deadline specified in Section 611.353(a)(4).

- d) Monitoring frequency after the Agency has specified the lead and copper MPCs or has determined that source water treatment is not needed.

- 1) A supplier must monitor at the frequency specified by subsection (d)(1)(A) or (d)(1)(B) of this Section where the Agency has specified the MPCs pursuant to Section 611.353(b)(4) or has determined that the supplier is not required to install source water treatment pursuant to Section 611.353(b)(2).

A) GWS suppliers.

- i) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during the three-year compliance period (as that term is defined in Section 611.101) during which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).
- ii) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during each of this Section's compliance period.

- B) A SWS or mixed system supplier must collect samples annually, the first annual monitoring period to begin on the date on which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

- 2) A supplier is not required to conduct source water sampling for lead or copper if the supplier meets the action level for the

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specific contaminant in all tap water samples collected during the entire source water sampling period applicable under subsection (d)(1)(A) or (d)(1)(B) of this Section.

- e) Reduced monitoring frequency.

- 1) A GWS supplier that demonstrates may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:

- A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the State in Section 611.353(b)(4) during at least three consecutive compliance periods under subsection (d)(1) of this Section; or

- B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under subsection (d)(1) of this Section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

- 2) A SWS or mixed system supplier may reduce the monitoring frequency in subsection (d)(1) of this Section to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:

- A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Agency under Section 611.353(b)(4) for at least three consecutive years; or

- b) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the supplier demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

- 3) A supplier that uses a new source of water is not eligible for reduced monitoring for lead or copper until it demonstrates by samples collected from the new source during three consecutive monitoring periods, of the appropriate duration provided by subsection (d)(1) of this Section, that lead or copper concentrations are below the MPC as specified by the Agency pursuant to Section 611.353(a)(4).

BOARD NOTE: Derived from 40 CFR 141.88 (2000)††9997††-as-amended-at-65 Fed-Reg-2012-††an††-127-2000††.

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(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.510 Special Monitoring for Unregulated Contaminants

a) Monitoring for Phase I unregulated contaminants.

1) All CWS and NTNCWS suppliers must shall begin monitoring for the contaminants listed in subsection (a)(5) no later than the following dates:

- A) Less than 3300 persons served: January 1, 1991.
 - B) 3300 to 10,000 persons served: January 1, 1989.
 - C) More than 10,000 persons served: January 1, 1988.
- 2) SWS and mixed system suppliers must shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.
- 3) CWS suppliers must shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one sample per entry point to the distribution system.
- 4) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.
- 5) List of Phase I unregulated chemical contaminants:

Bromobenzene
Bromodichloromethane
Bromoform
Bromomethane
Chlorobenzene
Chlorodibromomethane
Chloroethane
Chloroform
Chloromethane
o-Chlorotoluene
p-Chlorotoluene
Dibromomethane
m-Dichlorobenzene
1,1-Dichloroethane
1,3-Dichloropropane
2,2-Dichloropropane
1,1-Dichloropropene
1,3-Dichloropropene
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane
1,2,3-Trichloropropane

6) This subsection corresponds with 40 CFR 141.40(f), reserved by

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USEPA This statement maintains structural consistency with USEPA rules.

7) Analyses performed pursuant to subsection (a) must shall be conducted using the following USEPA Organic Methods: Methods 502.2 or 524.2 or their equivalent as approved by the Agency, except that analyses for bromodichloromethane, bromoform, chlorodibromomethane, and chloroform may also be performed using USEPA Organic Methods: Method 551, and analyses for 1,2,3-trichloropropane may also be performed using USEPA Organic Methods: Method 504.1, all of which are incorporated by reference in Section 611.102.

BOARD NOTE: Subsection (a)(b) derived from 40 CFR 141.40(a) through (m) (2000)(t)19957. The Board has adopted no counterpart to 40 CFR 141.40(h), which the Board has codified at subsection (c) of this Section below: 141.40(i), which pertains to the ability of suppliers to grandfather data up until a date long since expired; 141.41(j), an optional USEPA provision relating to monitoring 15 additional contaminants that USEPA does not require for state programs; 141.40(k), which pertains to notice to the Agency by smaller suppliers up until a date long since expired in lieu of sampling; 141.40(l), which the Board has adopted at subsection (d) of this Section below; and 141.40(m), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section directly corresponds with 40 CFR 141.40(a) through (m) (2000)(t)19957.

b) Monitoring for Phase V unregulated contaminants. Monitoring of the unregulated inorganic contaminants listed in subsection (b)(11) of this Section below and the unregulated inorganic contaminants listed in subsection (b)(12) of this Section below must shall be conducted as follows:

- 1) Each CWS and NTNCWS supplier must shall take four consecutive quarterly samples at each sampling point for each contaminant listed in subsection (b)(11) of this Section below and report the results to the Agency. Monitoring must be completed by December 31, 1995.
- 2) Each CWS and NTNCWS supplier must shall take one sample at each sampling point for each contaminant listed in subsection (b)(12) of this Section below and report the results to the Agency. Monitoring must be completed by December 31, 1995.
- 3) Each CWS and NTNCWS supplier may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from any of the requirements of subsections (b)(11) and (b)(12) of this Section above.

4) The Agency must shall grant a SEP pursuant to Section 611.110 as follows:

- A) From any requirement of subsection (b)(11) of this Section above based on consideration of the factors set forth at Section 611.110(e), and
- B) From any requirement of subsection (b)(12) of this Section

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above if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

- 5) A CWS supplier must shall take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment ("sampling point").
- 6) A SWS or mixed system supplier must shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the system after treatment ("sampling point").
- 7) If the system draws water from more than one source and sources are combined before distribution, the supplier must shall sample at an entry point during periods of normal operating conditions (when water representative of all sources is being used).
- 8) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.
- 9) Suppliers must shall take samples at the same sampling point unless the Agency has granted a SEP allowing another sampling point because conditions make another sampling point more representative of the water from each source or treatment plant.

BOARD NOTE: Subsection (b)(9) of this Section above corresponds with duplicate segments of 40 CFR 141.40(n)(5) and (n)(6) [2000]†1995†, which correspond with subsections (b)(5) and (b)(6) of this Section above. The Board has adopted no counterpart to 40 CFR 141.40(n)(9), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section directly corresponds with 40 CFR 141.40(n) [2000]†1995†.

- 10) Instead of performing the monitoring required by this subsection, a CWS and NTNCWS supplier serving fewer than 150 service connections may send a letter to the Agency stating that the PWS is available for sampling. This letter must be sent to the Agency by January 1, 1994. The supplier must shall not send such samples to the Agency, unless requested to do so by the Agency.

11) List of Phase V unregulated organic contaminants with methods required for analysis (all methods are from USEPA Organic Methods unless otherwise noted; all are incorporated by reference in Section 611.102):

Contaminant	USEPA Organic Methods
Aldicarb	531.1, Standard Methods, 18th ed.: Method 6610
Aldicarb sulfone	531.1, Standard Methods, 18th ed.: Method 6610
Aldicarb sulfoxide	531.1, Standard Methods, 18th ed.: Method 6610

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Aldrin	505, 508, 508.1, 525.2
Butachlor	507, 525.2
Carbaryl	531.1, Standard Methods, 18th ed.: Method 6610
Dicamba	515.1, 515.2, 555
Dieldrin	505, 508, 508.1, 525.2
3-Hydroxycarbofuran	531.1, Standard Methods, 18th ed.: Method 6610
Methomyl	531.1, Standard Methods, 18th ed.: Method 6610
Metolachlor	507, 508.1, 525.2
Metribuzin	507, 508.1, 525.2
Propachlor	508, 508.1, 525.2

- 12) List of unregulated inorganic contaminants (all methods indicated are incorporated by reference in Section 611.102):

Contaminant	Methods
Sulfate	USEPA Environmental Inorganic Methods: Methods 300.0, 375.2; ASTM Method D 4327-9 Standard Methods, 18th ed.: Methods 4110, 4500-SO[4](2-) F, 4500-SO[4](2-) C & 4500-SO[4](2-) D

BOARD NOTE: Subsection (b) derived from 40 CFR 141.40(n) [2000]†1995†.

- c) Analyses performed pursuant to this Section must be conducted by a laboratory certified pursuant to Section 611.646(g).

BOARD NOTE: Subsection (c) derived from 40 CFR 141.40(h) [2000]†1995†.

- d) All CWS and NTNCWS suppliers must shall repeat the monitoring required by this Section no less frequently than every five years, starting from the dates specified in subsections (a)(1) and (b)(2) of this Section above.

BOARD NOTE: Subsection (d) derived from 40 CFR 141.40(l) [2000]†1995†.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.521 Routine Coliform Monitoring

- a) Suppliers must shall collect total coliform samples at sites that which are representative of water throughout the distribution system

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according to a written sample sitting plan, which must be approved by special exception permit.

- b) The monitoring frequency for total coliforms for CWSs is based on the population served by the CWS, as set forth in Section 611.325(a).
- c) The monitoring frequency for total coliforms for non-CWSs is as follows:

1) A non-CWS using only groundwater (except groundwater under the direct influence of surface water, as determined in Section 611.325(a)) and serving 1,000 persons or fewer must shall monitor each calendar quarter that the system provides water to the public, except that the Agency must shall reduce this monitoring frequency if a sanitary survey shows that the system is free of sanitary defects. Beginning June 29, 1994, the Agency cannot reduce the monitoring frequency for a non-CWS using only groundwater (except groundwater under the direct influence of surface water) and serving 1,000 persons or fewer to less than once per year.

2) A non-CWS using only groundwater (except groundwater under the direct influence of surface water) and serving more than 1,000 persons during any month must shall monitor at the same frequency as a like-sized CWS, as specified in subsection (b) of this Section above, except the Agency must shall reduce this monitoring frequency for any month the system serves 1,000 persons or fewer. The Agency cannot reduce the monitoring to less than once per year. For systems using groundwater under the direct influence of surface water, subsection (c)(4) of this Section below applies.

3) A non-CWS using surface water, in total or in part, must shall monitor at the same frequency as a like-sized CWS, as specified in subsection (b) of this Section above, regardless of the number of persons it serves.

4) A non-CWS using groundwater under the direct influence of surface water, must shall monitor at the same frequency as a like-sized CWS, as specified in subsection (b) of this Section above. The supplier must shall begin monitoring at this frequency beginning six months after Public Health determines that the groundwater is under the direct influence of surface water.

d) The supplier must shall collect samples at regular time intervals throughout the month, except that a supplier that which uses only groundwater (except groundwater under the direct influence of surface water) and serves 4,900 persons or fewer, may collect all required samples on a single day if they are taken from different sites.

e) A PWS that uses surface water or groundwater under the direct influence of surface water, and does not practice filtration in compliance with Subpart B of this Part, must shall collect at least one sample near the first service connection each day the turbidity level of the source water, measured as specified in Section 611.532(b), exceeds 1 NTU. This sample must be analyzed for the

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presence of total coliforms. When one or more turbidity measurements in any day exceed 1 NTU, the supplier must shall collect this coliform sample within 24 hours of the first exceedance, unless the Agency has determined, by special exception permit, that the supplier, for logistical reasons outside the supplier's control, cannot have the sample analyzed within 30 hours of collection. Sample results from this coliform monitoring must be included in determining compliance with the MCL for total coliforms in Section 611.325.

- f) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement or repair, must not be used to determine compliance with the MCL for total coliforms in Section 611.325.

BOARD NOTE: Derived from 40 CFR 141.21(a) (2000) 1198977-as-amended-at-54-Ped-Reg-275627-June-29-1989.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.601 Monitoring Frequency

Monitoring must shall be conducted as follows:

- a) Required sampling.
- 1) Each supplier must shall take a minimum of one sample at each sampling point at the times required by Section 611.610 beginning in the initial compliance period.

2) Each sampling point must produce samples that are representative of the water from each source after treatment or from each treatment plant, as required by subsection (b) of this Section below. The total number of sampling points must be representative of the water delivered to users throughout the PWS.

3) The supplier must shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant and the Agency has granted a SEP pursuant to subsection (b)(5) of this Section below.

b) Sampling points.

1) Sampling point for CWSs. Unless otherwise provided by SEP, a CWS supplier must shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier must shall take at least one sample from each of the following points:

- A) Each entry point after the application of treatment; or
B) A point in the distribution system that is representative of

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- each source after treatment.
- 3) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must ~~shall~~ sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.
 - 4) Additional sampling points. The Agency must ~~shall~~, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure.
 - 5) Alternative sampling points. The Agency must ~~shall~~, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more representative than the generally required point.
 - c) This subsection corresponds with 40 CFR 141.23(a)(4), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.
 - d) The frequency of monitoring for the following contaminants must be in accordance with the following Sections:
 - 1) Asbestos: Section 611.602;
 - 2) Antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium: Section 611.603;
 - 3) Nitrate: Section 611.604; and
 - 4) Nitrite: Section 611.605.

BOARD NOTE: Derived from 40 CFR 141.23(a) and (c) (2000)(1995).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.602 Asbestos Monitoring Frequency

The frequency of monitoring conducted to determine compliance with the MCL for asbestos in Section 611.301 is as follows:

- a) Unless the Agency has determined under subsection (c) that the PWS is not vulnerable, each CWS and WPCWS supplier must ~~shall~~ monitor for asbestos during the first compliance period of each compliance cycle, beginning January 1, 1993.
- b) CWS suppliers may apply to the Agency, by way of an application for a SEP under Section 611.110, for a determination that the CWS is not vulnerable based on consideration of the criteria listed in subsection (c) of this Section below.
- c) The Agency must ~~shall~~ determine that the CWS is "not vulnerable" if the CWS is not vulnerable to contamination either from asbestos in its source water, from corrosion of asbestos-cement pipe, or from both, based on a consideration of the following factors:
 - 1) Potential asbestos contamination of the water source; and

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- 2) The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.
- d) A SEP based on a determination that a CWS is not vulnerable to asbestos contamination expires at the end of the compliance cycle for which it was issued.
- e) A supplier of a PWS vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe must ~~shall~~ take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.
- f) A supplier of a PWS vulnerable to asbestos contamination due solely to source water must ~~shall~~ monitor in accordance with Section 611.601.
- g) A supplier of a PWS vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe must ~~shall~~ take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.
- h) A supplier that exceeds the MCL, as determined in Section 611.609, must ~~shall~~ monitor quarterly beginning in the next quarter after the violation occurred.
- i) Reduction of quarterly monitoring.
 - 1) The Agency must ~~shall~~ issue a SEP pursuant to Section 611.110 that reduces the monitoring frequency to that specified by subsection (a) if it determines that the sampling point is reliably and consistently below the MCL.
 - 2) The request must, at a minimum, include the following information:
 - A) For a CWS: two quarterly samples.
 - B) For an SWS or mixed system: four quarterly samples.
 - 3) In issuing a SEP, the Agency must ~~shall~~ specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination must ~~shall~~ include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h) of this Section above if it violates the MCL specified by Section 611.609.
 - j) If the Agency determines that data collected after January 1, 1990 are generally consistent with the requirements of this Section, it may grant a SEP pursuant to Section 611.110 that allows the supplier to use those data to satisfy the requirements of this Section for the compliance period beginning January 1, 1993.

BOARD NOTE: Derived from 40 CFR 141.23(b) (2000)(1993).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.603 Inorganic Monitoring Frequency

The frequency of monitoring conducted to determine compliance with the revised

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MCLs in Section 611.301 for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium is as follows:

- a) Supplier must ~~shall~~ take samples at each sampling point, beginning in the initial compliance period, as follows:

- 1) For GWSs: at least one sample during each compliance period;
2) For SWSs and mixed systems: at least one sample each year.

BOARD NOTE: Derived from 40 CFR 141.23(c)(1) (2000)†1994†.

- b) SEP Application.

- 1) The supplier may apply to the Agency for a SEP that allows reduction from the monitoring frequencies specified in subsection (a) of this Section ~~above~~ pursuant to subsections (d) through (f) of this Section ~~below~~ and Section 611.110.

- 2) The supplier may apply to the Agency for a SEP that relieves it of the requirement for monitoring cyanide pursuant to subsections (d) through (f) of this Section ~~below~~ and Section 611.110 if it can demonstrate that its system is not vulnerable due to a lack of any industrial source of cyanide.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(2) and (c)(6) (2000)†1994†.

- c) SEP Procedures. The Agency must ~~shall~~ review the request pursuant to the SEP procedures of Section 611.110 based on consideration of the factors in subsection (e) of this Section ~~below~~.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(6) (2000)†1994†.

- d) Standard for SEP reduction in monitoring. The Agency must ~~shall~~ grant a SEP that allows a reduction in the monitoring frequency if the supplier demonstrates that all previous analytical results were less than the MCL, provided the supplier meets the following minimum data requirements:

- 1) For GWS suppliers: A minimum of three rounds of monitoring.
2) For SWS and mixed system suppliers: annual monitoring for at least three years.
3) At least one sample must have been taken since January 1, 1990.
4) A supplier that uses a new water source is not eligible for a SEP until it completes three rounds of monitoring from the new source.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(4) (2000)†1994†.

- e) Standard for SEP monitoring conditions. As a condition of any SEP, the Agency must ~~shall~~ require that the supplier take a minimum of one sample during the term of the SEP. In determining the appropriate reduced monitoring frequency, the Agency must ~~shall~~ consider:

- 1) Reported concentrations from all previous monitoring;
2) The degree of variation in reported concentrations; and
3) Other factors may affect contaminant concentrations, such as changes in groundwater pumping rates, changes in the CWSs configuration, the CWS's operating procedures, or changes in stream flows or characteristics.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(3) and (c)(5) (2000)†1994†.

- f) SEP Conditions and Revision.

- 1) A SEP will expire at the end of the compliance cycle for which it

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was issued.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(3) (2000)†1994†.

- 2) In issuing a SEP, the Agency must ~~shall~~ specify the level of the contaminant upon which the "reliably and consistently" determination was based. A SEP must provide that the Agency will review and, where appropriate, revise its determination of the appropriate monitoring frequency when the supplier submits new monitoring data or when other data relevant to the supplier's appropriate monitoring frequency become available.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(6) (2000)†1994†.

- g) A supplier that exceeds the MCL for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium, as determined in Section 611.609, must ~~shall~~ monitor quarterly for that contaminant, beginning in the next quarter after the violation occurred.

BOARD NOTE: Derived from 40 CFR 141.23(c)(7) (2000)†1994†.

- h) Reduction of quarterly monitoring.

- 1) The Agency must ~~shall~~ grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to that specified by subsection (a) of this Section ~~above~~ if it determines that the sampling point is reliably and consistently below the MCL.

- 2) A request for a SEP must include the following minimal information:

- A) For a GWS: two quarterly samples.
B) For an SWS or mixed system: four quarterly samples.
3) In issuing the SEP, the Agency must ~~shall~~ specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination must ~~shall~~ include a condition requiring the supplier to resume quarterly monitoring for any contaminant pursuant to subsection (g) of this Section ~~above~~ if it violates the MCL specified by Section 611.609 for that contaminant.

BOARD NOTE: Derived from 40 CFR 141.23(c)(8) (2000)†1994†.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.609 Determining Compliance

Compliance with the MCLs of Sections 611.300 or 611.301 (as appropriate) must be determined based on the analytical result(s) obtained at each sampling point.

- a) For suppliers that monitor at a frequency greater than annual, compliance with the MCLs for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by a running annual average at each sampling point.

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- 1) If the average at any sampling point is greater than the MCL, then the supplier is out of compliance.
- 2) If any one sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.
- 3) Any sample below the method detection limit must be calculated at zero for the purpose of determining the annual average.

BOARD NOTE: The "method detection limit" is different from the "detection limit," as set forth in Section 611.600. The "method detection limit" is the level of contaminant that can be determined by a particular method with a 95 percent degree of confidence, as determined by the method outlined in 40 CFR 136, Appendix ~~appendix~~ B, incorporated by reference at Section 611.102.

- b) For suppliers that monitor annually or less frequently, compliance with the MCLs for antimony, antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by the level of the contaminant at any sampling point. If a confirmation sample is taken, the determination of compliance will be based on the average of the two samples.

- c) Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite exceed the MCLs in the initial sample, Section 611.606 requires confirmation sampling, and compliance is determined based on the average of the initial and confirmation samples.

- d) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may give the public notice required by Subpart T only to persons served by that portion of the distribution system not in compliance.

BOARD NOTE: Derived from 40 CFR 141.23(i) (2000)(1994).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.720 Analytical Methods

- a) The methods specified below, incorporated by reference in Section 611.102, are to be used to determine compliance with Section ~~Sections~~ 611.330 and ~~611-331~~, except in cases where alternative methods have been approved in accordance with Section 611.480.

- 1) Gross Alpha and Beta:
 - A) ASTM Method 302;
 - B) Standard Methods:
 - i) Method 302; or
 - ii) Method 7110 B;

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- C) USEPA Interim Radiochemical Methods: page 1;
- D) USEPA Radioactivity Methods: Method 900;
- E) USEPA Radiochemical Analyses: page 1;
- F) USEPA Radiochemistry Methods: Method 00-01; or
- G) USGS Methods: Method R-1120-76.

2) Gross Alpha:

- A) Standard Methods: Method 7110 C; or
- B) USEPA Radiochemistry Methods: Method 00-02.

3) Radium-226:

- A) ASTM Methods:
 - i) Method D 2460-90; or
 - ii) Method D 3454-91;
- B) New York Radium Method;
- C) Standard Methods:
 - i) Method 304;
 - ii) Method 305;
 - iii) Method 7500-Ra B; or
 - iv) Method 7500-Ra C;

D) USDOE Methods: Method Ra-05;

- E) USEPA Interim Radiochemical Methods: pages 13 and 16;
- F) USEPA Radioactivity Methods: Method 903, 903.1;
- G) USEPA Radiochemical Analyses: page 19;
- H) USEPA Radiochemistry Methods: Method Ra-03, Ra-04; or
- I) USGS Methods:
 - i) Method R-1140-76; or
 - ii) Method R-1141-76.

4) Radium-228:

- A) Standards Methods:
 - i) Method 304; or
 - ii) Method 7500-Ra D;
- B) New York Radium Method;
- C) USEPA Interim Radiochemical Methods: page 24;
- D) USEPA Radioactivity Methods: Method 904;
- E) USEPA Radiochemical Analyses: page 19;
- F) USEPA Radiochemistry Methods: Method Ra-05;
- G) USGS Methods: Method R-1142-76; or
- H) New Jersey Radium Method.

5) Uranium:

- A) ASTM Methods:
 - i) Method D-2907;
 - ii) Method D-2907-91;
 - iii) Method D 3972-90; or
 - iv) Method D 5174-91;
- B) USEPA Radioactivity Methods: Method 908, 908.1;
- C) USEPA Radiochemical Analyses: page 33;
- D) USEPA Radiochemistry Methods: Method 00-07; or
- E) USGS Methods:
 - i) Method R-1180-76;

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- 6) Cesium:
 A) ASTM Methods:
 i) Method D 2459-72; or
 ii) Method D 3649-91;
 B) Standard Methods:
 i) Method 7120 (19th ed.); or
 ii) Method 7500-Cs B;
 C) USDOE Methods: Method 4.5.2.3;
 D) USEPA Interim Radiochemical Methods: page 4;
 E) USEPA Radioactivity Methods: Methods 901, 901.1;
 F) USEPA Radiochemical Analyses: page 92; or
 G) USGS Methods:
 i) Method R-1110-76; or
 ii) Method R-1111-76.
- 7) Iodine:
 A) ASTM Methods:
 i) D 3649-91; or
 ii) D 4785-88;
 B) Standard Methods:
 i) Method 7120 (19th ed.);
 ii) Method 7500-I B;
 iii) Method 7500-I C; or
 iv) Method 7500-I D;
 C) USDOE Methods: Method 4.5.2.3;
 D) USEPA Interim Radiochemical Methods: pages 6, 9;
 E) USEPA Radiochemical Analyses: page 92; or
 F) USEPA Radioactivity Methods: Methods 901.1, 902.
 8) Strontium-89 & 90:
 A) Standard Methods:
 i) Method 303; or
 ii) Method 7500-Sr B;
 B) USDOE Methods:
 i) Method Sr-01; or
 ii) Method Sr-02;
 C) USEPA Interim Radiochemical Methods: page 29;
 D) USEPA Radioactivity Methods: Method 905;
 E) USEPA Radiochemical Analyses: page 65;
 F) USEPA Radiochemistry Methods: Method Sr-04; or
 G) USGS Methods: Method R-1160-76.
- 9) Tritium:
 A) ASTM Methods: Method D 4107-91;
 B) Standard Methods:
 i) Method 306; or
 ii) Method 7500-3H B;
 C) USEPA Interim Radiochemical Methods: page 34;
 D) USEPA Radioactivity Methods: Method 906;

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- E) USEPA Radiochemical Analyses: page 87;
 F) USEPA Radiochemistry Methods: Method H-02; or
 G) USGS Methods: Method R-1171-76.
- 10) Gamma Emitters:
 A) ASTM Methods:
 i) Method D 3649-91; or
 ii) Method D 4785-88;
 B) Standard Methods:
 i) Method 7120 (19th ed.);
 ii) Method 7500-Cs B; or
 iii) Method 7500-I B;
 C) USDOE Method: Method 4.5.2.3;
 D) USEPA Radioactivity Methods: Methods 901, 901.1, 902;
 E) USEPA Radiochemical Analyses: page 92; or
 F) USGS Methods: Method R-1110-76.
- b) When the identification and measurement of radionuclides other than those listed in subsection (a) are required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:
 1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTPIS.
 2) HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.
- c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96 sigma where sigma is the standard deviation of the net counting rate of the sample).
 1) To determine compliance with Section 611.330(b), (c), and (e), the detection limit must not exceed the concentrations set forth in the following table: ~~1-pci/B--to-determine-compliance-with-Section-611.330(b)-the-detection-limit-must-not-exceed-3-pci/B-~~
- | Contaminant | Detection Limit |
|-------------------------------|-----------------|
| Gross alpha particle activity | 3 pCi/L |
| Radium-226 | 1 pCi/L |
| Radium-228 | 1 pCi/L |
| Uranium | None |
- BOARD NOTE: Derived from 40 CFR 141.25(c) Table B, as added at 65 Fed. Reg. 76745 (December 7, 2000), effective December 8, 2003.
- 2) To determine compliance with Section 611.330(d), 611.331 the detection limits must not exceed the concentrations listed in the

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following table: that Section:
 3) the detection limits for man-made beta-particle and photon
 emitters to determine the applicability of Section 611.731 are
 listed in the following table:

Radionuclide	Detection Limit
Tritium	1,000 pCi/L
Strontium-89	10 pCi/L
Strontium-90	2 pCi/L
Iodine-131	1 pCi/L
Cesium-134	10 pCi/L
Gross beta	4 pCi/L
Other radionuclides	1/10 of applicable limit

BOARD NOTE: Derived from 40 CFR 141.25(c) Table C (2000), as renumbered at 65 Fed. Reg. 76745 (December 7, 2000), effective December 8, 2003 B-49987.

- d) To judge compliance with the MCLs listed in Section 611.330 and 611.331, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.

BOARD NOTE: Derived from 40 CFR 141.25 (2000), as amended at 65 Fed. Reg. 76745 (December 7, 2000), effective December 8, 2003 49987.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.731 Gross Alpha

Monitoring requirements for gross alpha particle activity, radium-226, and radium-228, and uranium are as follows:

- a) Effective December 8, 2003, a community water system (CWS) supplier must conduct initial monitoring to determine compliance with Section 611.330(b), (c), and (e) by December 31, 2007. For the purposes of monitoring for gross alpha particle activity, radium-226, radium-228, uranium, and beta particle and photon radioactivity in drinking water, "detection limit" is defined as in Section 611.720(c).

- 1) Applicability and sampling location for an existing CWS supplier. An existing CWS supplier using groundwater, surface water, or both groundwater and surface water (for the purpose of this Section hereafter referred to as a supplier) must sample at every entry point to the distribution system that is representative of all sources being used (hereafter called a sampling point) under normal operating conditions. The supplier must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or the Agency

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has designated a distribution system location, in accordance with paragraph (a)(2)(B)(iii) of this Section.

- 2) Applicability and sampling location for a new CWS supplier. A new CWS supplier or a CWS supplier that uses a new source of water must begin to conduct initial monitoring for the new source within the first quarter after initiating use of the source. A CWS supplier must conduct more frequent monitoring when ordered by the Agency in the event of possible contamination or when changes in the distribution system or treatment processes occur that may increase the concentration of radioactivity in finished water.

- b) Initial monitoring: Effective December 8, 2003, a CWS supplier must conduct initial monitoring for gross alpha particle activity, radium-226, radium-228, and uranium as follows:

- 1) A CWS supplier without acceptable historical data, as defined below, must collect four consecutive quarterly samples at all sampling points before December 31, 2007.
- 2) Grandfathering of data: A CWS supplier may use historical monitoring data collected at a sampling point to satisfy the initial monitoring requirements for that sampling point, under the following situations.

- A) To satisfy initial monitoring requirements, a CWS supplier having only one entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.

- B) To satisfy initial monitoring requirements, a CWS supplier with multiple entry points and having appropriate historical monitoring data for each entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.

- C) To satisfy initial monitoring requirements, a CWS supplier with appropriate historical data for a representative point in the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003, provided that the Agency finds that the historical data satisfactorily demonstrate that each entry point to the distribution system is expected to be in compliance based upon the historical data and reasonable assumptions about the variability of contaminant levels between entry points. The Agency must make its findings in writing, by a SEP issued pursuant to Section 611.110, indicating how the data conforms to the requirements of this subsection (b)(2).

- 3) For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the Agency may, by a SEP issued pursuant to Section 611.110, waive the final two quarters of initial monitoring for a sampling point if the results of the samples

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- from the previous two quarters are below the detection limit.
- 4) If the average of the initial monitoring results for a sampling point is above the MCL, the supplier must collect and analyze quarterly samples at that sampling point until the system has results from four consecutive quarters that are at or below the MCL, unless the supplier enters into another schedule as part of a formal compliance agreement with the Agency.
- c) Reduced monitoring: Effective December 8, 2003, the Agency may allow a CWS supplier to reduce the future frequency of monitoring from once every three years to once every six or nine years at each sampling point, based on the following criteria:
- 1) If the average of the initial monitoring results for each contaminant (i.e., gross alpha particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in the table at Section 611.720(c)(1), the supplier must collect and analyze for that contaminant using at least one sample at that sampling point every nine years.
 - 2) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below one-half the MCL, the supplier must collect and analyze for that contaminant using at least one sample at that sampling point every six years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below one-half the MCL, the supplier must collect and analyze for that contaminant using at least one sample at that sampling point every six years.
 - 3) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above one-half the MCL but at or below the MCL, the supplier must collect and analyze at least one sample at that sampling point every three years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is above one-half the MCL but at or below the MCL, the supplier must collect and analyze at least one sample at that sampling point every three years.
 - 4) A supplier must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods (e.g., if a supplier's sampling point is on a nine year monitoring period, and the sample result is above one-half the MCL, then the next monitoring period for that sampling point is three years).
 - 5) If a supplier has a monitoring result that exceeds the MCL while on reduced monitoring, the supplier must collect and analyze quarterly samples at that sampling point until the supplier has results from four consecutive quarters that are below the MCL.

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- unless the supplier enters into another schedule as part of a formal compliance agreement with the Agency.
- d) Compositing: Effective December 8, 2003, to fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a supplier may composite up to four consecutive quarterly samples from a single entry point if analysis is done within a year of the first sample. The analytical results from the composited sample must be treated as the average analytical result to determine compliance with the MCLs and the future monitoring frequency. If the analytical result from the composited sample is greater than one-half the MCL, the Agency may, by a SEP issued pursuant to Section 611.110, direct the supplier to take additional quarterly samples before allowing the supplier to sample under a reduced monitoring schedule.
- e) Effective December 8, 2003, a gross alpha particle activity measurement may be substituted for the required radium-226 measurement, provided that the measured gross alpha particle activity does not exceed 5 pCi/L. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed 15 pCi/L.
- 1) The gross alpha measurement must have a confidence interval of 95% (1.65sigma), where sigma is the standard deviation of the net counting rate of the sample) for radium-226 and uranium.
 - 2) When a supplier uses a gross alpha particle activity measurement in lieu of a radium-226 or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 and/or uranium.
 - 3) If the gross alpha particle activity result is less than detection, one-half the detection limit will be used to determine compliance and the future monitoring frequency.
- f) Until December 8, 2003, compliance compliance must be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.
- 1) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particle activity does not exceed 5 pCi/L at a confidence level of 95 percent (1.65 sigma where sigma is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, the Agency may, by permit condition, require radium-226 or radium-228 analyses when the gross alpha particle activity exceeds 2 pCi/L.
 - 2) When the gross alpha particle activity exceeds 5 pCi/L, the same or an equivalent sample must be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/L the same or an equivalent sample must be analyzed for radium-228.
- g) See Section 611.100(e).

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he) Until December 8, 2003, CWS suppliers must monitor at least once every four years following the procedure required by subsection (a) of this Section. When an annual record taken in conformance with subsection (a) of this Section has established that the average annual concentration is less than half the MCLs established by Section 611.330, the Agency shall, by special exception permit, substitute analysis of a single sample for the quarterly sampling procedure required by subsection (a) of this Section.

1) The Agency shall, by special exception permit, require more frequent monitoring in the vicinity of mining or other operations that may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water.

2) A CWS supplier must monitor in conformance with subsection (a) of this Section for one year after the introduction of a new water source. The Agency shall, by special exception permit, require more frequent monitoring in the event of possible contamination or when changes in the distribution system or treatment process occur that may increase the concentration of radioactivity in finished water.

3) The Agency shall, by special exception permit, require a CWS supplier using two or more sources having different concentrations of radioactivity to monitor source water, in addition to water from a free-flowing tap.

4) The Agency must not require monitoring for radium-228 to determine compliance with Section 611.330 after the initial period, provided that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by subsection (a) of this Section.

5) The Agency must require the CWS supplier to conduct annual monitoring if the radium-226 concentration exceeds 3 pCi/L.

id) Until December 8, 2003, if the average annual MCL for gross alpha particle activity or total radium as set forth in Section 611.330 is exceeded, the CWS must give notice to the Agency and notify the public as required by Subpart V. Monitoring at quarterly intervals must be continued until the annual average concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Subsections (a) through (e) derive from 40 CFR 141.26(a) (2000) (1999), as amended at 65 Fed. Reg. 76745 (December 7, 2000), effective December 8, 2003. Subsections (f) through (i) derive from 40 CFR 141.26(a), as effective until December 8, 2003 26022-May-47 2000.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Monitoring and compliance requirements for manmade radioactivity To determine compliance with the maximum contaminant levels in Section 611.330(d) for beta particle and photon radioactivity, a supplier must monitor at a frequency as follows: in-CWSs-are-as-follows:

a) Effective December 8, 2003, a CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as vulnerable must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.

1) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/L (screening level), the Agency may reduce the frequency of monitoring at that sampling point to once every three years. A supplier must collect all samples required in paragraph (b)(1) of this Section during the reduced monitoring period.

2) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS supplier to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the supplier's entry points, where the Agency determines if such data is applicable to a particular water system, by a SEP issued pursuant to Section 611.110. In the event that there is a release from a nuclear facility, a supplier that is using surveillance data must begin monitoring at the community water supplier's entry points in accordance with subsection (b)(1) of this Section.

b) Effective December 8, 2003, a CWS supplier (either a surface water or ground water supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency as a supplier using waters contaminated by effluents from nuclear facilities must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.

1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples.

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BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(i), USEPA recommends the use of a composite of three monthly samples.

- 2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency may, by a SEP issued pursuant to Section 611.110, order more frequent monitoring for iodine-131 where it is identified in the finished water.

- 3) Annual monitoring for strontium-90 and tritium must be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(iii), USEPA recommends the analysis of four consecutive quarterly samples.

- 4) If the gross beta particle activity beta minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/L, the Agency may, by a SEP issued pursuant to Section 611.110, reduce the frequency of monitoring at that sampling point to once every three years. The supplier must collect all samples required in Section 611.732(b) during the reduced monitoring period.

- 5) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry points, where the Agency determines, by a SEP issued pursuant to Section 611.110, that such data is applicable to the particular water system. In the event that there is a release from a nuclear facility, a supplier that uses such surveillance data must begin monitoring at the CWS's entry points in accordance with Section 611.732(b).

- c) Effective December 8, 2003, a CWS supplier designated by the Agency to monitor for beta particle and photon radioactivity can not apply to the Agency for a waiver from the monitoring frequencies specified in Section 611.732(a) or (b).

- d) Effective December 8, 2003, a CWS supplier may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. A supplier is allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/L) by a factor of 0.82.

- e) Effective December 8, 2003, if the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with Section 611.330(d)(1), using the formula in Section 611.330(d)(2). Doses must also be calculated and combined for

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- f) measured levels of tritium and strontium to determine compliance. Effective December 8, 2003, a supplier must monitor monthly at the sampling points that exceeds the maximum contaminant level in Section 611.330(d) beginning the month after the exceedance occurs. A supplier must continue monthly monitoring until the supplier has established, by a rolling average of three monthly samples, that the MCL is being met. A supplier that establishes that the MCL is being met must return to quarterly monitoring until it meets the requirements set forth in Section 611.732(a)(2) or (b)(1).

- ga) Until December 8, 2003, CWSs using surface water sources and serving more than 100,000 persons and such other CWSs as the Agency by permit condition requires must monitor for compliance with Section 611.331 by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Section 611.331 is assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/L and if the average annual concentrations of tritium and strontium-90 are less than those listed in Section 611.331, provided that if both radionuclides are present the sum of their annual dose equivalents to bone marrow must not exceed 4 millirem/year.

- 1) If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.

- 2) If the MCLs are exceeded, the Agency shall, by special exception permit, require the supplier to conduct additional monitoring to determine the concentration of man-made radioactivity in principal watersheds.

- 3) The Agency shall, pursuant to subsection (d) of this Section, by special exception permit, require suppliers of water utilizing only groundwater to monitor for man-made radioactivity.

- hb) See Section 611.100(e).

- ic) Until December 8, 2003, CWS suppliers must monitor at least every four years following the procedure in subsection (a) of this Section.

- jd) Until December 8, 2003, the Agency shall, by special exception permit, require any CWS supplier utilizing waters contaminated by effluents from nuclear facilities to initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

- 1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/L, the same or an equivalent sample must be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body

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doses must be calculated to determine compliance with Section 611.331.

2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency shall, by special exception permit, require more frequent monitoring when iodine-131 is identified in the finished water.

3) The Agency shall, by special exception permit, require annual monitoring for strontium-90 and tritium by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

4) The Agency shall, by special exception permit, allow the substitution of environmental surveillance data taken with conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier where the Agency determines such data is applicable to the CWS.

ke) Until December 8, 2003, if the average annual MCL for man-made radioactivity set forth in Section 611.331 is exceeded, the operator of a CWS must give notice to the Agency and to the public as required by Subpart V. Monitoring at monthly intervals must be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Subsections (a) through (f) derive from 40 CFR 141.26(b) (2000) (1999), as amended at 65 Fed. Reg. 76745 (December 7, 2000), effective December 8, 2003. Subsections (g) through (k) derive from 40 CFR 141.26(b), as effective until December 8, 2003 26022,--May--47 2000.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.733 General Monitoring and Compliance Requirements

The following requirements apply effective December 8, 2003:

a) The Agency may, by a SEP issued pursuant to Section 611.110, require more frequent monitoring than specified in Sections 611.731 and 611.732 require confirmation samples. The results of the initial and confirmation samples will be averaged for use in a compliance determination.

b) Each PWS supplier must monitor at the time designated by the Agency during each compliance period.

c) Compliance: compliance with Section 611.330(b) through (e) must be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the supplier is in violation of the MCL.

1) For a supplier monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the average of any sampling point is greater

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than the MCL, then the supplier is out of compliance with the MCL.

2) For a supplier monitoring more than once per year, if any sample result would cause the running average to exceed the MCL at any single sampling point, the supplier is immediately out of compliance with the MCL.

3) A supplier must include all samples taken and analyzed under the provisions of this Section and Sections 611.731 and 611.732 in determining compliance, even if that number is greater than the minimum required.

4) If a supplier does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.

5) If a sample result is less than the detection limit, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, one-half the detection limit will be used to calculate the annual average.

d) The Agency may, by a SEP issued pursuant to Section 611.110, allow the supplier to delete results of obvious sampling or analytic errors.

e) If the MCL for radioactivity set forth in Section 611.330(b) through (e) is exceeded, the operator of a CWS must give notice to the Agency pursuant to Section 611.840 and to the public as required by Subpart V of this Part.

BOARD NOTE: Derived from 40 CFR 141.26(c), as added at 65 Fed. Reg. 76745 (December 7, 2000), effective December 8, 2003.

(Source: Added at 25 Ill. Reg. _____, effective _____)

SUBPART R: ENHANCED FILTRATION AND DISINFECTION

Section 611.745 Reporting and Recordkeeping Requirements

In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a public water system subject to the requirements of this Subpart that provides conventional filtration treatment or direct filtration must report monthly to the Agency the information specified in subsections (a) and (b) of this Section beginning January 1, 2002. In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a public water system subject to the requirements of this Subpart that provides filtration approved under Section 611.743(b) must report monthly to the Agency the information specified in subsection (a) of this Section beginning January 1, 2002. The reporting in subsection (a) of this Section is in lieu of the reporting specified in Section 611.262(a).

a) Turbidity measurements, as required by Section 611.743, must be

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reported within ten days after the end of each month the system serves water to the public. Information that must be reported is the following:

- 1) The total number of filtered water turbidity measurements taken during the month.
- 2) The number and percentage of filtered water turbidity measurements taken during the month that which are less than or equal to the turbidity limits specified in Section 611.743(a) or (b).
- 3) The date and value of any turbidity measurements taken during the month that exceed 1 NTU for systems using conventional filtration treatment or direct filtration, or that exceed the maximum level under Section 611.743(b).
- b) Systems must maintain the results of individual filter monitoring taken under Section 611.744 for at least three years. Systems must report that they have conducted individual filter turbidity monitoring under Section 611.744 within ten days after the end of each month the system serves water to the public. Systems must report individual filter turbidity measurement results taken under Section 611.744 within ten days after the end of each month the system serves water to the public only if measurements demonstrate one or more of the conditions in subsections (b)(1) through (4) of this Section. Systems that use lime softening may apply to the Agency for alternative exceedance levels for the levels specified in subsections (b)(1) through (4) of this Section if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.
- 1) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the system must report the filter number, the turbidity measurement, and the dates on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven days after the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.
- 2) For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system must report the filter number, the turbidity, and the dates on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven days after the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.
- 3) For any individual filter that has a measured turbidity level of

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greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the system must report the filter number, the turbidity measurement, and the dates on which the exceedance occurred. In addition, the system must conduct a self-assessment of the filter within 14 days after the exceedance and report that the self-assessment was conducted. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

- 4) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system must report the filter number, the turbidity measurement, and the dates on which the exceedance occurred. In addition, the system must arrange for the conduct of a comprehensive performance evaluation by the Agency or a third party approved by the Agency no later than 30 days following the exceedance and have the evaluation completed and submitted to the Agency no later than 90 days following the exceedance.

c) Additional reporting requirements.

- 1) If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the exceedance. Exceedance is known, in accordance with the public notification requirements under Section 611.903(b)(3).

- 2) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the Agency under Section 611.743(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under Section 611.903(b)(3).

BOARD NOTE: Derived from 40 CFR 141.175 [2000] {1999}-as-amended--at-65--Fed-Reg--26035--(May-4-2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

Section 611.901 General Public Notification Requirements

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The requirements of this Subpart V replace former notice requirements.

- a) Who must give public notice. Each owner or operator of a public water system (a CWS, an NTNWS, or a transient non-CWS) must give notice for all violations of an NPDR and for other situations, as listed in this subsection (a). The term "NPDR violation" is used in this Subpart V to include violations of an MCL, an MRDL, a treatment technique, monitoring requirements, or a testing procedure set forth in this Part. Appendix G to this Part identifies the tier assignment for each specific violation or situation requiring a public notice.

- 1) NPDR violations:

- A) A failure to comply with an applicable MCL or MRDL.
- B) A failure to comply with a prescribed treatment technique.
- C) A failure to perform water quality monitoring, as required by this Part.
- D) A failure to comply with testing procedures as prescribed by this Part.

- 2) Relief equivalent to a variance and exemptions under sections 1415 and 1416 of SDWA:

- A) Operation under relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a SDWA Section 1416 exemption, under Section 611.112.
- B) A failure to comply with the requirements of any schedule that has been set under relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a SDWA Section 1415 exemption, under Section 611.112.

- 3) Special public notices:

- A) The occurrence of a waterborne disease outbreak or other waterborne emergency.
 - B) An exceedance of the nitrate MCL by a non-CWS, where granted permission by the Agency under Section 611.300(d).
 - C) An exceedance of the secondary fluoride standard of Section 611.858.
 - D) The availability of unregulated contaminant monitoring data.
 - E) Other violations and situations determined by the Agency by a SEP issued pursuant to Section 611.110 to require a public notice under this Subpart, not already listed in Appendix G.
- b) The type of public notice required for each violation or situation. The public notice requirements of this Subpart V are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in subsection (a) of this Section are determined by the tier to which it is assigned. This subsection (b) provides the definition of each tier. Appendix G of this Part identifies the tier assignment for each specific violation or situation.
 - 1) Tier 1 public notice: required for NPDR violations and situations with significant potential to have serious adverse

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effects on human health as a result of short-term exposure.

- 2) Tier 2 public notice: required for all other NPDR violations and situations with potential to have serious adverse effects on human health.

- 3) Tier 3 public notice: required for all other NPDR violations and situations not included in Tier 1 and Tier 2.

- c) Who must receive notice.

- 1) Each PWS supplier must provide public notice to persons served by the water supplier, in accordance with this Subpart V. A PWS supplier that sells or otherwise provides drinking water to another PWS supplier (i.e., to a consecutive system) is required to give public notice to the owner or operator of the consecutive system; the consecutive system supplier is responsible for providing public notice to the persons it serves.

- 2) If a PWS supplier has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system that which is out of compliance. Permission by the Agency for limiting distribution of the notice must be granted in writing, by a SEP granted pursuant to Section 611.110.

- 3) A copy of the notice must also be sent to the Agency, in accordance with the requirements under Section 611.840(d).

BOARD NOTE: Derived from 40 CFR 141.201 (2000) 7-as-added--at--65--Fed--Reg-26095--(May-47-2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.902 Tier 1 Public Notice--Form, Manner, and Frequency of Notice

- a) Violations or situations that require a Tier 1 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 1 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

- 1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in Section 611.325(b)), or when the water supplier fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in Section 611.525);

- 2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in Section 611.301, or when the water supplier fails to take a confirmation sample within 24 hours after the supplier's receipt of the results from the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in Section 611.606(b);

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- 3) **Exceedence** of the nitrate MCL by a non-CWS supplier, where permitted to exceed the MCL by the Agency under Section 611.300(d), as required under Section 611.909;
 - 4) Violation of the MRDL for chlorine dioxide, as defined in Section 611.313(a), when one or more samples taken in the distribution system the day following an exceedence **exceedence** of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supplier does not take the required samples in the distribution system, as specified in Section 611.383(c)(2)(A);
 - 5) Violation of the turbidity MCL under Section 141.13(b), where the Agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;
 - 6) Violation of the Surface Water Treatment Rule (SWTR) or Interim Enhanced Surface Water Treatment rule (IESWTR) treatment technique requirement resulting from a single exceedence **exceedence** of the maximum allowable turbidity limit (as identified in Appendix G), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;
 - 7) Occurrence of a waterborne disease outbreak, as defined in Section 611.101, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);
 - 8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Agency by a SEP issued pursuant to Section 611.110.
- b) When the Tier 1 public notice is to be provided. Additional steps required. A PWS supplier must:
- 1) Provide a public notice as soon as practical but no later than 24 hours after the supplier learns of the violation;
 - 2) Initiate consultation with the Agency as soon as practical, but no later than 24 hours after the PWS supplier learns of the violation or situation, to determine additional public notice requirements; and
 - 3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.
- c) The form and manner of the public notice. A PWS supplier must provide the notice within 24 hours in a form and manner reasonably calculated

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to reach all persons served. The form and manner used by the PWS supplier are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, a water supplier is to use, at a minimum, one or more of the following forms of delivery:

- 1) Appropriate broadcast media (such as radio and television);
- 2) Posting of the notice in conspicuous locations throughout the area served by the water supplier;
- 3) Hand delivery of the notice to persons served by the water supplier; or
- 4) Another delivery method approved in writing by the Agency by a SEP issued pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.202 (2000) ~~7-as-added-at-65-Ped-Reg-26036-(May-47-2000)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.903 Tier 2 Public Notice--Form, Manner, and Frequency of Notice

- a) Violations or situations that require a Tier 2 public notice. This subsection lists the violation categories and other situations requiring a Tier 2 public notice. Appendix G to this Part identifies the tier assignment for each specific violation or situation.

- 1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 1 notice is required;

- 2) Violations of the monitoring and testing procedure requirements, where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and

- 3) Failure to comply with the terms and conditions of any relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption in place.

- b) When Tier 2 public notice is to be provided.

- 1) A PWS supplier must provide the public notice as soon as practical, but no later than 30 days after the supplier learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The Agency may, in appropriate circumstances, by a SEP issued pursuant to Section 611.110, allow additional time for the initial notice of up to three months from the date the supplier learns of the violation. It is not appropriate for the Agency to grant an extension to the

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30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Agency must be in writing.

- 2) The PWS supplier must repeat the notice every three months as long as the violation or situation persists, unless the Agency determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Agency to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the Agency to allow across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. An Agency determination allowing repeat notices to be given less frequently than once every three months must be in writing.

- 3) For the turbidity violations specified in this subsection (b)(3), a PWS supplier must consult with the Agency as soon as practical but no later than 24 hours after the supplier learns of the violation, to determine whether a Tier 1 public notice under Section 611.902(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the supplier learns of the violation), following the requirements under Section 611.902(b) and (c). Consultation with the Agency is required for the following:

- A) Violation of the turbidity MCL under Section 141.320(b); or
- B) Violation of the SWTR or IESWTR treatment technique requirement resulting from a single exceedance exceedance of the maximum allowable turbidity limit.

- c) The form and manner of Tier 2 public notice. A PWS supplier must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

- 1) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a CWS supplier must provide notice by:

- A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the PWS supplier; and
- B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection

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(c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the supplier or on the Internet; or delivery to community organizations.

- 2) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a non-CWS supplier must provide notice by the following:

A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and

B) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include the following: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).

BOARD NOTE: Derived from 40 CFR 141.203 [2000] 7-as-added-at-65-Fed-Reg-26036-(May-47-2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.904 Tier 3 Public Notice--Form, Manner, and Frequency of Notice

a) Violations or situations that require a Tier 3 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 3 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

- 1) Monitoring violations under this Part, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;

- 2) Failure to comply with a testing procedure established in this Part, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;

- 3) Operation under relief equivalent to a SDWA Section 1415 variance

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granted under Section 611.111 or relief equivalent to a SDWA Section 1416 exemption granted under Section 611.112;

4) Availability of unregulated contaminant monitoring results, as required under Section 611.907; and

5) Exceedence Exceedence of the secondary standard for fluoride under Section 611.859, as required under Section 611.908.

b) When the Tier 3 public notice is to be provided:

1) A PWS supplier must provide the public notice not later than one year after the supplier learns of the violation or situation or begins operating under relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption. Following the initial notice, the supplier must repeat the notice annually for as long as the violation, relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).

2) Instead of individual Tier 3 public notices, a PWS supplier may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of subsection (b)(1) of this Section are met.

c) The form and manner of the Tier 3 public notice. A PWS supplier must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

1) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a CWS supplier must provide notice by the following:

A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the supplier; and

B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include the following: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.

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2) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a non-CWS supplier must provide notice by the following:

A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and

B) Any other method reasonably calculated to reach other persons served by the supplier, if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include the following: publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

d) When the Consumer Confidence Report may be used to meet the Tier 3 public notice requirements. For a CWS supplier, the Consumer Confidence Report (CCR) required under Subpart U of this Part may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as the following is true:

- 1) The CCR is provided to persons served no later than 12 months after the supplier learns of the violation or situation as required under Section 611.904(b);
- 2) The Tier 3 notice contained in the CCR follows the content requirements under Section 611.905; and
- 3) The CCR is distributed following the delivery requirements under Section 611.904(c).

BOARD NOTE: Derived from 40 CFR 141.204 (2000) 7-as-added-at-65-Ped-Reg-26037-tMay-47-20007.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.908 Special Notice for Exceedence Exceedence of the Fluoride Secondary Standard

a) When to give special notice. A CWS supplier that exceeds the fluoride secondary standard (SMCL) of 2 mg/L, as specified in Section 611.858 (determined by the last single sample taken in accordance with Section 611.603), but does not exceed the maximum contaminant level (MCL) of 4 mg/L for fluoride (as specified in Section 611.301), must provide the public notice in subsection (c) of this Section to persons served. Public notice must be provided as soon as practical but no later than 12 months from the day the supplier learns of the exceedence. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the

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- Department of Public Health. The PWS supplier must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the fluoride SMCL is exceeded, but in no case less than seven days (even if the exceedance is eliminated). On a case-by-case basis, the Agency may require an initial notice sooner than 12 months and repeat notices more frequently than annually.
- b) The form and manner of a special notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in Section 611.904(c), (d)(1), and (d)(3).
- c) Mandatory language in a special notice. The notice must contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/L. Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/L of fluoride (the USEPA's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/L of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/L because of this cosmetic dental problem.

For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP.

BOARD NOTE: Derived from 40 CFR 141.208 (2000) 7-as-added-at-65-Ped-Reg-26099-(May-47-2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.909 Special Notice for Nitrate Exceedences Above the MCL by a Non-Community Water System

- a) When the special notice is to be given. The owner or operator of a non-CWS supplier granted permission by the Agency under Section 611.300(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under Section 611.902(a) and (b).
- b) The form and manner of the special notice. A non-CWS supplier granted permission by the Agency to exceed the nitrate MCL under Section 611.300(d) must provide continuous posting of the fact that nitrate levels exceed 10 mg/L and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under Section 611.902(c) and the content requirements under Section 611.905.

BOARD NOTE: Derived from 40 CFR 141.209 (2000) 7-as-added-at-65-Ped-Reg-26099-(May-47-2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 611.APPENDIX A Regulated Contaminants

Microbiological contaminants:

Contaminant (units): Total Coliform Bacteria
 Traditional MCL in mg/L: MCL: (systems that collect ≥ 40 samples/month) fewer than 5% of monthly samples are positive; (systems that collect < 40 samples/month) fewer than 1 positive monthly sample.
 To convert for CCR, multiply by: --
 MCL in CCR units: MCL: (systems that collect ≥ 40 samples/month) fewer than 5% of monthly samples are positive; (systems that collect < 40 samples/month) fewer than 1 positive monthly sample.
 MCLG: 0
 Major sources in drinking water: Naturally present in the environment.
 Health effects language: Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

Contaminant (units): Fecal coliform and E. coli
 Traditional MCL in mg/L: 0
 To convert for CCR, multiply by: --
 MCL in CCR units: 0
 MCLG: 0
 Major sources in drinking water: Human and animal fecal waste.
 Health effects language: Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.

Contaminant (units): Total organic carbon (ppm)
 Traditional MCL in mg/L: TT
 To convert for CCR, multiply by: --
 MCL in CCR units: TT
 MCLG: N/A
 Major sources in drinking water: Naturally present in the environment.

Health effects language: Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water

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containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

Contaminant (units): Turbidity (NTU)
 Traditional MCL in mg/L: TT
 To convert for CCR, multiply by: --
 MCL in CCR units: TT
 MCLG: N/A
 Major sources in drinking water: Soil runoff.
 Health effects language: Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

Radioactive contaminants:

Contaminant (units): Beta/photon emitters (mrem/yr)
 Traditional MCL in mg/L: 4 mrem/yr
 To convert for CCR, multiply by: --
 MCL in CCR units: 4
 MCLG: 0N/A
 Major sources in drinking water: Decay of natural and man-made deposits.

Health effects language: Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta particle and photon radioactivity emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Alpha emitters (pCi/L).
 Traditional MCL in mg/L: 15 pCi/L
 To convert for CCR, multiply by: --
 MCL in CCR units: 15
 MCLG: 0N/A

Major sources in drinking water: Erosion of natural deposits.
 Health effects language: Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Combined radium (pCi/L)
 Traditional MCL in mg/L: 5 pCi/L
 To convert for CCR, multiply by: --
 MCL in CCR units: 5
 MCLG: 0N/A

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Major sources in drinking water: Erosion of natural deposits.
 Health effects language: Some people who drink water containing radium-226 or -228 ~~radium-226-ex-228~~ in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Uranium (ug/L).
 Traditional MCL in mg/L: 30ug/L
 To convert for CCR, multiply by: --
 MCL in CCR units: 30
 MCLG: 0

Major sources in drinking water: Erosion of natural deposits.
 Health effects language: Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

Inorganic contaminants:

Contaminant (units): Antimony (ppb)
 Traditional MCL in mg/L: 0.006
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 6
 MCLG: 6

Major sources in drinking water: Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
 Health effects language: Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

Contaminant (units): Arsenic (ppb)
 Traditional MCL in mg/L: 0.05
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 50
 MCLG: N/A

Major sources in drinking water: Erosion of natural deposits; runoff from orchards; runoff from glass and electronics production wastes.

Health effects language: Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

Contaminant (units): Asbestos (MFL)
 Traditional MCL in mg/L: 7 MFL
 To convert for CCR, multiply by: --
 MCL in CCR units: 7
 MCLG: 7

Major sources in drinking water: Decay of asbestos cement water

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mains; erosion of natural deposits.
 Health effects language: Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

Contaminant (units): Barium (ppm)
 Traditional MCL in mg/L: 2
 To convert for CCR, multiply by: --
 MCL in CCR units: 2
 MCLG: 2

Major sources in drinking water: Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits.
 Health effects language: Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

Contaminant (units): Beryllium (ppb)
 Traditional MCL in mg/L: 0.004
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 4
 MCLG: 4

Major sources in drinking water: Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace and defense industries.
 Health effects language: Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

Contaminant (units): Cadmium (ppb)
 Traditional MCL in mg/L: 0.005
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 5
 MCLG: 5

Major sources in drinking water: Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; runoff from waste batteries and paints.
 Health effects language: Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Chromium (ppb)
 Traditional MCL in mg/L: 0.1
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 100
 MCLG: 100

Major sources in drinking water: Discharge from steel and pulp mills; erosion of natural deposits.
 Health effects language: Some people who use water containing

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chromium well in excess of the MCL over many years could experience allergic dermatitis.

Contaminant (units): Copper (ppm)

Traditional MCL in mg/L: AL=1.3

To convert for CCR, multiply by: --

MCL in CCR units: AL=1.3

MCLG: 1.3

Major sources in drinking water: Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Health effects language: Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

Contaminant (units): Cyanide (ppb)

Traditional MCL in mg/L: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Discharge from steel/metal

factories; discharge from plastic and fertilizer factories.

Health effects language: Some people who drink water containing

cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

Contaminant (units): Fluoride (ppm)

Traditional MCL in mg/L: 4

To convert for CCR, multiply by: --

MCL in CCR units: 4

MCLG: 4

Major sources in drinking water: Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories.

Health effects language: Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

Contaminant (units): Lead (ppb)

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Traditional MCL in mg/L: AL=0.015

To convert for CCR, multiply by: 1000

MCL in CCR units: AL=15

MCLG: 0

Major sources in drinking water: Corrosion of household plumbing systems; erosion of natural deposits.

Health effects language: Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

Contaminant (units): Mercury [inorganic] (ppb)

Traditional MCL in mg/L: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 2

Major sources in drinking water: Erosion of natural deposits; discharge from refineries and factories; runoff from landfills; runoff from cropland.

Health effects language: Some people who drink water containing

inorganic mercury well in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Nitrate (ppm)

Traditional MCL in mg/L: 10

To convert for CCR, multiply by: --

MCL in CCR units: 10

MCLG: 10

Major sources in drinking water: Runoff from fertilizer use;

leaching from septic tanks, sewage; erosion of natural deposits.

Health effects language: Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units): Nitrite (ppm)

Traditional MCL in mg/L: 1

To convert for CCR, multiply by: --

MCL in CCR units: 1

MCLG: 1

Major sources in drinking water: Runoff from fertilizer use;

leaching from septic tanks, sewage; erosion of natural deposits.

Health effects language: Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

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Contaminant (units): Selenium (ppb)
 Traditional MCL in mg/L: 0.05
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 50
 Major sources in drinking water: Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines.
 Health effects language: Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

Contaminant (units): Thallium (ppb)
 Traditional MCL in mg/L: 0.002
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 2
 MCLG: 0.5
 Major sources in drinking water: Leaching from ore-processing sites; discharge from electronics, glass, and drug factories.
 Health effects language: Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides:

Contaminant (units): 2,4-D (ppb)
 Traditional MCL in mg/L: 0.07
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 70
 MCLG: 70
 Major sources in drinking water: Runoff from herbicide used on row crops.
 Health effects language: Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

Contaminant (units): 2,4,5-TP [silvex] (ppb)
 Traditional MCL in mg/L: 0.05
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 50
 MCLG: 50
 Major sources in drinking water: Residue of banned herbicide.
 Health effects language: Some people who drink water containing silvex in excess of the MCL over many years could experience liver

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problems.

Contaminant (units): Acrylamide
 Traditional MCL in mg/L: TT
 To convert for CCR, multiply by: --
 MCL in CCR units: TT
 MCLG: 0
 Major sources in drinking water: Added to water during sewage/wastewater treatment.
 Health effects language: Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

Contaminant (units): Alachlor (ppb)
 Traditional MCL in mg/L: 0.002
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 2
 MCLG: 0
 Major sources in drinking water: Runoff from herbicide used on row crops.
 Health effects language: Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

Contaminant (units): Atrazine (ppb)
 Traditional MCL in mg/L: 0.003
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 3
 MCLG: 3
 Major sources in drinking water: Runoff from herbicide used on row crops.
 Health effects language: Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

Contaminant (units): Benzo(a)pyrene [PAH] (nanograms/L)
 Traditional MCL in mg/L: 0.0002
 To convert for CCR, multiply by: 1,000,000
 MCL in CCR units: 200
 MCLG: 0
 Major sources in drinking water: Leaching from linings of water storage tanks and distribution lines.
 Health effects language: Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting

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cancer.

Contaminant (units): Carbofuran (ppb)

Traditional MCL in mg/L: 0.04

To convert for CCR, multiply by: 1000

MCL in CCR units: 40

MCLG: 40

Major sources in drinking water: Leaching of soil fumigant used on rice and alfalfa.

Health effects language: Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

Contaminant (units): Chlordane (ppb)

Traditional MCL in mg/L: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 0

Major sources in drinking water: Residue of banned termiticide.

Health effects language: Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

Contaminant (units): Dalapon (ppb)

Traditional MCL in mg/L: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

MCLG: 200

Major sources in drinking water: Runoff from herbicide used on rights of way.

Health effects language: Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

Contaminant (units): Di(2-ethylhexyl)adipate (ppb)

Traditional MCL in mg/L: 0.4

To convert for CCR, multiply by: 1000

MCL in CCR units: 400

MCLG: 400

Major sources in drinking water: Discharge from chemical factories.

Health effects language: Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.

Contaminant (units): Di(2-ethylhexyl)phthalate (ppb)

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Traditional MCL in mg/L: 0.006

To convert for CCR, multiply by: 1000

MCL in CCR units: 6

MCLG: 0

Major sources in drinking water: Discharge from rubber and chemical factories

Health effects language: Some people who drink water containing di(2-ethylhexyl)phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

Contaminant (units): Dibromochloropropane [DBCP] (ppt)

Traditional MCL in mg/L: 0.0002

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 200

MCLG: 0

Major sources in drinking water: Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.

Health effects language: Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.

Contaminant (units): Dinoseb (ppb)

Traditional MCL in mg/L: 0.007

To convert for CCR, multiply by: 1000

MCL in CCR units: 7

MCLG: 7

Major sources in drinking water: Runoff from herbicide used on soybeans and vegetables.

Health effects language: Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Diquat (ppb)

Traditional MCL in mg/L: 0.02

To convert for CCR, multiply by: 1000

MCL in CCR units: 20

MCLG: 20

Major sources in drinking water: Runoff from herbicide use.

Health effects language: Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

Contaminant (units): Dioxin [2,3,7,8-TCDD] (ppq)

Traditional MCL in mg/L: 0.00000003

To convert for CCR, multiply by: 1,000,000,000

MCL in CCR units: 30

MCLG: 0

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Major sources in drinking water: Emissions from waste incineration and other combustion; discharge from chemical factories.

Health effects language: Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

Contaminant (units): Endothall (ppb)

Traditional MCL in mg/L: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Runoff from herbicide use.

Health effects language: Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

Contaminant (units): Endrin (ppb)

Traditional MCL in mg/L: 0.002

To convert for CCR, multiply by: 1000

MCL in CCR units: 2

MCLG: 2

Major sources in drinking water: Residue of banned insecticide.

Health effects language: Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

Contaminant (units): Epichlorohydrin.

Traditional MCL in mg/L: TT

To convert for CCR, multiply by: --

MCL in CCR units: TT

MCLG: 0

Major sources in drinking water: Discharge from industrial chemical factories; an impurity of some water treatment chemicals. Health effects language: Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Contaminant (units): Ethylene dibromide (ppt)

Traditional MCL in mg/L: 0.00005

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 50

MCLG: 0

Major sources in drinking water: Discharge from petroleum refineries.

Health effects language: Some people who drink water containing

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ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Glyphosate (ppb)

Traditional MCL in mg/L: 0.7

To convert for CCR, multiply by: 1000

MCL in CCR units: 700

MCLG: 700

Major sources in drinking water: Runoff from herbicide use.

Health effects language: Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

Contaminant (units): Heptachlor (ppt)

Traditional MCL in mg/L: 0.0004

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 400

MCLG: 0

Major sources in drinking water: Residue of banned pesticide.

Health effects language: Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

Contaminant (units): Heptachlor epoxide (ppt)

Traditional MCL in mg/L: 0.0002

To convert for CCR, multiply by: 1,000,000

MCL in CCR units: 200

MCLG: 0

Major sources in drinking water: Breakdown of heptachlor.

Health effects language: Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

Contaminant (units): Hexachlorobenzene (ppb)

Traditional MCL in mg/L: 0.001

To convert for CCR, multiply by: 1000

MCL in CCR units: 1

MCLG: 0

Major sources in drinking water: Discharge from metal refineries and agricultural chemical factories.

Health effects language: Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

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Contaminant (units): Hexachlorocyclopentadiene (ppb)
 Traditional MCL in mg/L: 0.05
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 50
 MCLG: 50
 Major sources in drinking water: Discharge from chemical factories.
 Health effects language: Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

Contaminant (units): Lindane (ppt)
 Traditional MCL in mg/L: 0.0002
 To convert for CCR, multiply by: 1,000,000
 MCL in CCR units: 200
 MCLG: 200
 Major sources in drinking water: Runoff/leaching from insecticide used on cattle, lumber, gardens.
 Health effects language: Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

Contaminant (units): Methoxychlor (ppb)
 Traditional MCL in mg/L: 0.04
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 40
 MCLG: 40
 Major sources in drinking water: Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.
 Health effects language: Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Oxamyl [Vydate] (ppb)
 Traditional MCL in mg/L: 0.2
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 200
 MCLG: 200
 Major sources in drinking water: Runoff/leaching from insecticide used on apples, potatoes and tomatoes.
 Health effects language: Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

Contaminant (units): PCBs [Polychlorinated biphenyls] (ppt)
 Traditional MCL in mg/L: 0.0005
 To convert for CCR, multiply by: 1,000,000
 MCL in CCR units: 500

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MCLG: 0
 Major sources in drinking water: Runoff from landfills; discharge of waste chemicals.
 Health effects language: Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

Contaminant (units): Pentachlorophenol (ppb)
 Traditional MCL in mg/L: 0.001
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 1
 MCLG: 0
 Major sources in drinking water: Discharge from wood preserving factories.
 Health effects language: Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Picloram (ppb)
 Traditional MCL in mg/L: 0.5
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 500
 MCLG: 500
 Major sources in drinking water: Herbicide runoff.
 Health effects language: Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): Simazine (ppb)
 Traditional MCL in mg/L: 0.004
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 4
 MCLG: 4
 Major sources in drinking water: Herbicide runoff.
 Health effects language: Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

Contaminant (units): Toxaphene (ppb)
 Traditional MCL in mg/L: 0.003
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 3
 MCLG: 0
 Major sources in drinking water: Runoff/leaching from insecticide used on cotton and cattle.

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Health effects language: Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

Volatile organic contaminants:

Contaminant (units): Benzene (ppb)
 Traditional MCL in mg/L: 0.005
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 5
 MCLG: 0

Major sources in drinking water: Discharge from factories; leaching from gas storage tanks and landfills.

Health effects language: Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

Contaminant (units): Bromate (ppb)
 Traditional MCL in mg/L: 0.010
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 10
 MCLG: 0

Major sources in drinking water: Byproduct of drinking water chlorination.

Health effects language: Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Carbon tetrachloride (ppb)
 Traditional MCL in mg/L: 0.005
 To convert for CCR, multiply by: 1000
 MCL in CCR units: 5

MCLG: 0
 Major sources in drinking water: Discharge from chemical plants and other industrial activities.

Health effects language: Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): Chloramines (ppm)
 Traditional MCL in mg/L: MRDL = 4
 To convert for CCR, multiply by: --
 MCL in CCR units: MRDL = 4
 MCLG: MRDLG = 4
 Major sources in drinking water: Water additive used to control

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microbes.
 Health effects language: Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

Contaminant (units): Chlorine (ppm)
 Traditional MCL in mg/L: MRDL = 4
 To convert for CCR, multiply by: --
 MCL in CCR units: MRDL = 4
 MCLG: MRDLG = 4
 Major sources in drinking water: Water additive used to control microbes.

Health effects language: Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

Contaminant (units): Chlorite (ppm)
 Traditional MCL in mg/L: 1
 To convert for CCR, multiply by: --
 MCL in CCR units: 1
 MCLG: 0.8

Major sources in drinking water: Byproduct of drinking water chlorination.

Health effects language: Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

Contaminant (units): Chlorine dioxide (ppb)
 Traditional MCL in mg/L: MRDL = 0.8
 To convert for CCR, multiply by: 1000
 MCL in CCR units: MRDL = 800
 MCLG: MRDLG = 800

Major sources in drinking water: Water additive used to control microbes.

Health effects language: Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

Contaminant (units): Chlorobenzene (ppb)
 Traditional MCL in mg/L: 0.1

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To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100

Major sources in drinking water: Discharge from chemical and agricultural chemical factories.

Health effects language: Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units): o-Dichlorobenzene (ppb)

Traditional MCL in mg/L: 0.6

To convert for CCR, multiply by: 1000

MCL in CCR units: 600

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

Contaminant (units): p-Dichlorobenzene (ppb)

Traditional MCL in mg/L: 0.075

To convert for CCR, multiply by: 1000

MCL in CCR units: 75

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

Contaminant (units): 1,2-Dichloroethane (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): 1,1-Dichloroethylene (ppb)

Traditional MCL in mg/L: 0.007

To convert for CCR, multiply by: 1000

MCL in CCR units: 7

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MCLG: 7

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): cis-1,2-Dichloroethylene (ppb)

Traditional MCL in mg/L: 0.07

To convert for CCR, multiply by: 1000

MCL in CCR units: 70

MCLG: 70

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): trans-1,2-Dichloroethylene (ppb)

Traditional MCL in mg/L: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): Dichloromethane (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from pharmaceutical and chemical factories.

Health effects language: Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

Contaminant (units): 1,2-Dichloropropane (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing

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1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Ethylbenzene (ppb)

Traditional MCL in mg/L: 0.7

To convert for CCR, multiply by: 1000

MCL in CCR units: 700

Major sources in drinking water: Discharge from petroleum refineries.

Health effects language: Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units): Haloacetic Acids (HAA5) (ppb)

Traditional MCL in mg/L: 0.060

To convert for CCR, multiply by: 1000

MCL in CCR units: 60

MCLG: N/A
Major sources in drinking water: Byproduct of drinking water disinfection.

Health effects language: Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Styrene (ppb)

Traditional MCL in mg/L: 0.1

To convert for CCR, multiply by: 1000

MCL in CCR units: 100

MCLG: 100
Major sources in drinking water: Discharge from rubber and plastic factories; leaching from landfills.

Health effects language: Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

Contaminant (units): Tetrachloroethylene (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0
Major sources in drinking water: Discharge from factories and dry cleaners.

Health effects language: Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

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Contaminant (units): 1,2,4-Trichlorobenzene (ppb)

Traditional MCL in mg/L: 0.07

To convert for CCR, multiply by: 1000

MCL in CCR units: 70

Major sources in drinking water: Discharge from textile-finishing factories.

Health effects language: Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

Contaminant (units): 1,1,1-Trichloroethane (ppb)

Traditional MCL in mg/L: 0.2

To convert for CCR, multiply by: 1000

MCL in CCR units: 200

MCLG: 200
Major sources in drinking water: Discharge from metal degreasing sites and other factories.

Health effects language: Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

Contaminant (units): 1,1,2-Trichloroethane (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 3

Major sources in drinking water: Discharge from industrial chemical factories.

Health effects language: Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

Contaminant (units): Trichloroethylene (ppb)

Traditional MCL in mg/L: 0.005

To convert for CCR, multiply by: 1000

MCL in CCR units: 5

MCLG: 0
Major sources in drinking water: Discharge from metal degreasing sites and other factories.

Health effects language: Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): TTHMs [Total trihalomethanes] (ppb)

Traditional MCL in mg/L: 0.10/0.080

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To convert for CCR, multiply by: 1000
MCL in CCR units: 100/80
MCLG: N/A
Major sources in drinking water: Byproduct of drinking water chlorination.
Health effects language: Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

Contaminant (units): Toluene (ppm)
Traditional MCL in mg/L: 1
To convert for CCR, multiply by: --
MCL in CCR units: 1
MCLG: 1
Major sources in drinking water: Discharge from petroleum factories.
Health effects language: Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

Contaminant (units): Vinyl Chloride (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 0
Major sources in drinking water: Leaching from PVC piping; discharge from plastics factories.
Health effects language: Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Xylenes (ppm)
Traditional MCL in mg/L: 10
To convert for CCR, multiply by: --
MCL in CCR units: 10
MCLG: 10
Major sources in drinking water: Discharge from petroleum factories; discharge from chemical factories.
Health effects language: Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

Key:

Abbreviation Meaning

AL Action Level

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MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MFL	million fibers per liter
MRDL	Maximum Residual Disinfectant Level
MRDLG	Maximum Residual Disinfectant Level Goal
mrem/year	millirems per year (a measure of radiation absorbed by the body)
N/A	Not Applicable
NTU	Nephelometric Turbidity Units (a measure of water clarity)
pCi/L	picouries per liter (a measure of radioactivity)
ppm	parts per million, or milligrams per liter (mg/L)
ppb	parts per billion, or micrograms per liter (ug/L)
ppt	parts per trillion, or nanograms per liter
ppq	parts per quadrillion, or picograms per liter
TT	Treatment Technique

BOARD NOTE: Derived from Appendix A to Subpart O to 40 CFR 141 (2000) {1999}, as added at 65 Fed. Reg. 76749 December 7, 2000, effective December 8, 2003 26024-(May-4,-1999).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 611.APPENDIX G NPDWR Violations and Situations Requiring Public Notice

See note 1 at the end of this Appendix for an explanation of the Agency's authority to alter the magnitude of a violation from that set forth in the following table.

<u>Contaminant</u>	<u>Tier of public notice required</u>	<u>Citation</u>	<u>MCL/MRDL/TT violations(2)</u>		<u>Monitoring & testing procedure violations</u>

I. Violations of National Primary Drinking Water Regulations (NPDWR):(3)

A. Microbiological Contaminants

1. Total coliform	2	611.325(a)	3	611.521-611.525		
2. Fecal coliform E. coli	1	611.325(b) (4)1,3	3	611.525		
3. Turbidity MCL	2	611.320(a)	3	611.560		
4. Turbidity MCL (average of two2 days' samples >5 NTU)	(5) 2,1	611.320(b)	3	611.560		
5. Turbidity (for TT violations resulting from a single exceedence exceedence of maximum allowable turbidity level)	(6) 2,1	611.231(b), 611.233(b)(1), 611.250(a)(2), 611.250(b)(2), 611.250(c)(2), 611.250(d), 611.743(a)(2), 611.743(b)	3	611.531(a), 611.532(b), 611.533(a), 611.744		
6. Surface Water Treatment Rule violations, other than violations resulting from	2	611.211, 611.213, 611.220, 611.230-611.233, 611.240-611.242,	3	611.531-611.533		

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single exceedence exceedence of max. allowable turbidity level (TT)	2	(7)611.740-611.743	3	611.742, 611.744
7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedence exceedence of max. turbidity level (TT)	2	(7)611.740-611.743	3	611.742, 611.744

B. Inorganic Chemicals (IOCs)

1. Antimony	2	611.301(b)	3	611.600, 611.601, 611.603
2. Arsenic	2	611.300(b), 611.612(c)	3	611.100, 611.101, 611.612
3. Asbestos (fibers >10 m)	2	611.301(b)	3	611.600, 611.601, 611.602
4. Barium	2	611.301(b)	3	611.600, 611.601, 611.603
5. Beryllium	2	611.301(b)	3	611.600, 611.601, 611.603
6. Cadmium	2	611.301(b)	3	611.600, 611.601, 611.603
7. Chromium (total)	2	611.301(b)	3	611.600, 611.601, 611.603

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8. Cyanide	2	611.301(b)	3	611.600, 611.601, 611.603
9. Fluoride	2	611.301(b)	3	611.600, 611.601, 611.603
10. Mercury (inorganic)	2	611.301(b)	3	611.600, 611.601, 611.603
11. Nitrate	1	611.301(b)	(8) 1,3	611.600, 611.601, 611.604, 611.606
12. Nitrite	1	611.301(b)	(8) 1,3	611.600, 611.601, 611.605, 611.606
13. Total Nitrate and Nitrite	1	611.301(b)	3	611.600, 611.601
14. Selenium	2	611.301(b)	3	611.600, 611.601, 611.603
15. Thallium	2	611.301(b)	3	611.600, 611.601, 611.603
C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)				
1. Lead and Copper Rule (TT)	2	611.350-611.355	3	611.356-611.359
D. Synthetic Organic Chemicals (SOCs)				
1. 2,4-D	2	611.310(c)	3	611.648

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2. 2,4,5-TP (silvex)	2	611.310(c)	3	611.648
3. Alachlor	2	611.310(c)	3	611.648
4. Atrazine	2	611.310(c)	3	611.648
5. Benzo(a)pyrene (PAHs)	2	611.310(c)	3	611.648
6. Carbofuran	2	611.310(c)	3	611.648
7. Chlordane	2	611.310(c)	3	611.648
8. Dalapon	2	611.310(c)	3	611.648
9. Di (2-ethyl- hexyl) adipate	2	611.310(c)	3	611.648
10. Di (2-ethyl- hexyl) phthalate	2	611.310(c)	3	611.648
11. Dibromochloro- propane (DBCP)	2	611.310(c)	3	611.648
12. Dinoseb	2	611.310(c)	3	611.648
13. Dioxin (2,3, 7,8-TCDD)	2	611.310(c)	3	611.648
14. Diquat	2	611.310(c)	3	611.648
15. Endothall	2	611.310(c)	3	611.648
16. Endrin	2	611.310(c)	3	611.648
17. Ethylene dibromide	2	611.310(c)	3	611.648
18. Glyphosate	2	611.310(c)	3	611.648
19. Heptachlor	2	611.310(c)	3	611.648
20. Heptachlor epoxide	2	611.310(c)	3	611.648

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21. Hexachloro- benzene	2	611.310(c)	3	611.648
22. Hexachloro- ciopentadiene	2	611.310(c)	3	611.648
23. Lindane	2	611.310(c)	3	611.648
24. Methoxychlor	2	611.310(c)	3	611.648
25. Oxamyl (Vydate)	2	611.310(c)	3	611.648
26. Pentachloro- phenol	2	611.310(c)	3	611.648
27. Picloram	2	611.310(c)	3	611.648
28. Polychlorinated biphenyls (PCBs)	2	611.310(c)	3	611.648
29. Simazine	2	611.310(c)	3	611.648
30. Toxaphene	2	611.310(c)	3	611.648

E. Volatile Organic Chemicals (VOCs)

1. Benzene	2	611.310(a)	3	611.646
2. Carbon tetra- chloride	2	611.310(a)	3	611.646
3. Chlorobenzene (monochlorobenzene)	2	611.310(a)	3	611.646
4. o-Dichloroben- zene	2	611.310(a)	3	611.646
5. p-Dichloroben- zene	2	611.310(a)	3	611.646
6. 1,2-Dichloro- ethane	2	611.310(a)	3	611.646
7. 1,1-Dichloro- ethylene	2	611.310(a)	3	611.646

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8. cis-1,2-Dichloro- ethylene	2	611.310(a)	3	611.646
9. trans-1,2- Dichloroethylene	2	611.310(a)	3	611.646
10. Dichloromethane	2	611.310(a)	3	611.646
11. 1,2-Dichloro- propane	2	611.310(a)	3	611.646
12. Ethylbenzene	2	611.310(a)	3	611.646
13. Styrene	2	611.310(a)	3	611.646
14. Tetrachloro- ethylene	2	611.310(a)	3	611.646
15. Toluene	2	611.310(a)	3	611.646
16. 1,2,4-Trichloro- benzene	2	611.310(a)	3	611.646
17. 1,1,1-Trichloro- ethane	2	611.310(a)	3	611.646
18. 1,1,2-Trichloro- ethane	2	611.310(a)	3	611.646
19. Trichloro- ethylene	2	611.310(a)	3	611.646
20. Vinyl chloride	2	611.310(a)	3	611.646
21. Xylenes (total)	2	611.310(a)	3	611.646
F. Radioactive Contaminants				
1. Beta/photon emitters	2	611.330(d)	3	611.720(a), 611.732
2. Alpha emitters	2	611.330(c) 611.330(b)	3	611.720(a), 611.731
3. Combined radium	2	611.330(b)	3	611.720(a),

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(226 & 228) 611.731
 4. Uranium (9)2 611.330(e) (10)3 611.720(a) 611.731

G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).(9)

1. Total trihalo- 2 (10) 611.310, 3 611.680-611.688, methanes (TTHMs) 611.312(a) 611.382(a)-(b)
 2. Haloacetic Acids 2 611.312(a) 3 611.382(a)-(b) (HAAs)
 3. Bromate 2 611.312(a) 3 611.382(a)-(b)
 4. Chlorite 2 611.312(a) 3 611.382(a)-(b)
 5. Chlorine (MRDL) 2 611.313(a) 3 611.382(a), (c)
 6. Chloramine 2 611.313(a) 3 611.382(a), (c) (MRDL)
 7. Chlorine dio- 2 611.313(a), 2(11),3 611.382(a), (c), xide (MRDL), 611.383(c)(3) 611.383(c)(2) where any 2 consecutive daily samples at entrance to distribution system only are above MRDL
 8. Chlorine di- (12)1 611.313(a), 1 611.382(a), (c), oxide (MRDL), 611.383(c)(3) 611.383(c)(2) where sample(s) in distribution system the next day are also above MRDL

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9. Control of DBP 2 611.385(a)-(b) 3 611.382(a), (d) precursors--TOC (TT)

10. Benchmarking N/A N/A 3 611.742 and disinfection profiling

11. Development N/A N/A 3 611.382(f) of monitoring plan

H. Other Treatment Techniques

1. Acrylamide (TT) 2 611.296 N/A N/A

2. Epichlorohydrin 2 611.296 N/A N/A (TT)

II. Unregulated Contaminant Monitoring: (13)

A. Unregulated N/A N/A 3 611.510 contaminants

B. Nickel N/A N/A 3 611.603, 611.611

III. Public Notification for Relief Equivalent to a SDWA Section 1415 Variance or a Section 1416 Exemption:

A. Operation under 3 (14)1415, N/A N/A relief equivalent to a SDWA Section 1416 1415 variance or a Section 1416 exemption

B. Violation of 2 1415, 1416, (15) N/A N/A conditions of relief equivalent to a SDWA Section 1415 variance 611.111, 611.112

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or a Section 1416 exemption

IV. Other Situations Requiring Public Notification:

A. Fluoride second-ary maximum contaminant level (SMCL) exceedance	3	611.858	N/A	N/A
B. Exceedance of nitrate MCL for non-community systems, as allowed by the Agency	1	611.300(d)	N/A	N/A
C. Availability of unregulated contaminant monitoring data	3	611.510	N/A	N/A
D. Waterborne disease outbreak	1	611.101, 611.233(b)(2)	N/A	N/A
E. Other waterborne emergency (16)	1	N/A	N/A	N/A
F. Other situations as determined by the Agency by a SEP issued pursuant to Section 611.110	1,2,3	N/A	N/A	N/A

Appendix G--Endnotes

- Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the Agency by a SEP issued pursuant to Section 611.110. The Agency may, by a SEP issued pursuant to

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Section 611.110, further require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 3) for specific violations and situations listed in this Appendix, as authorized under Sections 611.902(a) and 611.903(a).

- Definition of the abbreviations used: "MCL" means maximum contaminant level, "MRDL" means maximum residual disinfectant level, and "TNT" means treatment technique
- The term "violations of National Primary Drinking Water Regulations (NPDWR)" is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.
- Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3 violations.
- A supplier that violates the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP issued pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a system is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.
- A supplier with a treatment technique violation involving a single exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR) or the Interim Enhanced Surface Water Treatment Rule (IESWTR) are required to consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a system is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.
- Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 Fed. Reg. 69477 (December 16, 1998)) (Sections 611.740-611.741, 611.743-611.744) become effective January 1, 2002 for a Subpart B supplier (surface water systems and groundwater systems under the direct influence of surface water) that serves at least 10,000 persons. However, Section 611.742 is currently effective. The Surface Water Treatment Rule (SWTR) remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.
- Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other

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monitoring violations for nitrate are Tier 3.

9. The uranium MCL Tier 2 violation citations are effective December 8, 2003 for all community water systems.

10. The uranium Tier 3 violation citations are effective December 8, 2000 for all community water systems.

119. A Subpart B community or non-transient non-community system supplier that serves 10,000 persons or more must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. A Subpart B transient non-community system supplier serving 10,000 or more persons that uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. A Subpart B transient non-community system supplier that serves fewer than 10,000 persons, that uses only ground water not under the direct influence of surface water, and which uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

1210. Section 611.310 will no longer apply after January 1, 2004.

1311. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

1412. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. A failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

1513. Some water suppliers must monitor for certain unregulated contaminants listed in Section 611.510.

1614. This citation refers to Sections 1415 and 1416 of the federal Safe Drinking Water Act. Sections 1415 and 1416 require that "a schedule prescribed ... for a public water system granted relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption must shall require compliance by the system"

1715. In addition to Sections 1415 and 1416 of the federal Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones that must be included in relief equivalent to a SDWA Section 1415 small system variance. In granting any form of relief from an NPDR, the Board will consider all applicable federal requirements for and limitations on the

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State's ability to grant relief consistent with federal law.

1816. Other waterborne emergencies require a Tier 1 public notice under Section 611.902(a) for situations that do not meet the definition of a waterborne disease outbreak given in Section 611.101, but which still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

BOARD NOTE: Derived from Appendix A to Subpart Q to 40 CFR 141 (2000), as amended added at 65 Fed. Reg. 76750 (December 7, 2000), effective December 8, 2003 26040 (May-47-2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 611.APPENDIX H Standard Health Effects Language for Public Notification

Contaminant	MCLG (1) mg/L	MCL (2) mg/L	Standard health effects language for public notification
1a. Total coliform	Zero	See footnote 3	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/ E.coli	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL)(4)	None	1 NTU(5)/5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause

National Primary Drinking Water Regulations (NPDWR):

A. Microbiological Contaminants

1a. Total coliform

Zero

See footnote 3

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

1b. Fecal coliform/
E.coli

Zero

Zero

Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

2a. Turbidity
(MCL)(4)

None

1 NTU(5)/5 NTU

Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause

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2b. Turbidity
(SWTR TT)

None

TT(7)

Symptoms such as nausea, cramps, diarrhea and associated headaches. Turbidity has no health effects. However, (6) turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

2c. Turbidity
(IESWTR TT)

None

TT

Turbidity has no health effects. However, (8) turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

B. Surface Water Treatment Rule (SWTR) and Interim Enhanced Surface Water Treatment Rule (IESWTR) violations

3. Giardia lamblia
(SWTR/IESWTR)

Zero

TT(10)

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

4. Viruses
(SWTR/IESWTR)

Zero

TT(10)

Viruses are disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

5. Heterotrophic plate count (HPC) bacteria(9)
(SWTR/IESWTR)

Zero

TT(10)

Heterotrophic plate count (HPC) bacteria are organisms that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

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20. Total Nitrate and Nitrate 10 10 Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium 0.05 0.05 Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
22. Thallium 0.0005 0.002 Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

D. Lead and Copper Rule

23. Lead Zero TT(12) Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
24. Copper 1.3 TT(13) Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could

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25. 2,4-D 0.07 0.07 Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
26. 2,4,5-TP (silvex) 0.05 0.05 Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
27. Alachlor Zero 0.002 Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
28. Atrazine 0.003 0.003 Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
29. Benzo(a)pyrene (PAHs) Zero 0.0002 Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

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30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
33. Di (2-ethylhexyl)-adipate	0.4	0.4	Some people who drink water containing di(2-ethylhexyl)-adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
34. Di (2-ethylhexyl)-phthalate	Zero	0.006	Some people who drink water containing di(2-ethylhexyl)phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
35. Dibromochloropropane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink

37. Dioxin (2,3,7,8-TCDD)	Zero	3 x 10 ⁻⁸	water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties. Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have

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44. Heptachlor epoxide	Zero	0.0002	an increased risk of getting cancer. Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
45. Hexachloro-benzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachloro-cyclopentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachloro-phenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys,

51. Picloram	0.5	0.5	and may have an increased risk of getting cancer. Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs)	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
F. Volatile Organic Chemicals (VOCs)			
55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an

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57. Chlorobenzene (monochlorobenzene)	0.1	0.1	increased risk of getting cancer. Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
58. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer. Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
71. 1,1,1-	0.2	0.2	Some people who drink

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Trichloro-ethane			water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloro-ethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloro-ethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
G. Radioactive Contaminants			
76. Beta/photon emitters	Zero	4 mrem/yr (14)	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
77. Alpha emitters	Zero	15 pCi/L(15)	Certain minerals are

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78. Combined radium (226 & 228)	Zero	5 pCi/L	radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
79. Combined radium	Zero	30 ug/L	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
8079. Total trihalo-methanes (TTHMs)	N/A	0.10/0.08 (17) (18)	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
8100. Haloacetic Acids (HAA5)	N/A	0.060 (19)	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
8201. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAA5)(16)

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<u>8302.</u> Chlorite	0.08	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
<u>8403.</u> Chlorine	4 (MRDLG) (20)	4.0 (MRDL) (21)	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
<u>8504.</u> Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
<u>85a_05a-</u> Chlorine dioxide, where any two consecutive daily samples taken at the entrance to the distribution system are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today are the result of <u>exceedences</u>

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<u>86a_06b-</u> Chlorine dioxide, where one or more distribution system samples are above MRDL	0.8 (MRDLG)	0.8 (MRDL)	the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers. Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today include <u>exceedences</u> of the USEPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure. Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include
<u>87_06-</u> Control of DBPNone precursors (TOC)	DBPNone	TT	

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trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

I. Other Treatment Techniques:

88-077 Acrylamide Zero TT Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

89-087 Epichloro- Zero TT Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Appendix H--Endnotes

1. "MCL" means maximum contaminant level goal.
2. "MCL" means maximum contaminant level.
3. For a water supplier analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For a supplier analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.
4. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule, and the 1998 Interim Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for a supplier that is required to filter but has not yet installed filtration (Section 611.320).
5. "NTU" means nephelometric turbidity unit.
6. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water

Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). A supplier subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Agency.

7. "TT" means treatment technique.
8. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). For a supplier subject to the IESWTR (systems serving at least 10,000 people, using surface water or groundwater under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency.
9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.
10. SWTR and IESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.

11. Millions of fibers per liter.

12. Action Level = 0.015 mg/L.

13. Action Level = 1.3 mg/L.

14. Millirems per year.

15. Picocuries per liter.

16. The uranium MCL is effective December 8, 2003 for all community water systems.

17. A surface water system supplier or a groundwater system supplier under the direct influence of surface water are regulated under Subpart B of this Part. A Subpart B community water system supplier or a non-transient non-community system supplier that serves 10,000 or more persons must comply with DAP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient non-community system suppliers must meet the MCLs and MRDLs beginning January 1, 2004. Subpart B transient non-community system suppliers serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart B transient non-community system suppliers serving fewer than 10,000 persons and systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply

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with the chlorine dioxide MRDL beginning January 1, 2004.

18+7. The MCL of 0.10 mg/L for TTHMs is in effect until January 1, 2002 for a Subpart B community water system supplier serving 10,000 or more persons. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only ground water not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/L. On January 1, 2004, a supplier serving less than 10,000 will have to comply with the new MCL as well.

19+0. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.

20+9. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.

21+0. "MRDLG" means maximum residual disinfectant level goal.

22+1. "MRDL" means maximum residual disinfectant level.

BOARD NOTE: Derived from Appendix B to Subpart Q to 40 CFR 141 (2000), as added at 65 Fed. Reg. 76751 (December 7, 2000), effective December 8, 2003 ~~26643-(May-47-2000)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulatory and Informational Hearings
- 2) Code Citation: 35 Ill. Adm. Code 102
- 3) Section Numbers:

	<u>Proposed Action:</u>
102.800	New Section
102.810	New Section
102.820	New Section
102.830	New Section
- 4) Statutory Authority: 415 ILCS 5/26 & 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments the Pollution Control Board proposes to 35 Ill. Adm. Code 102, 302, and 303 set forth the procedures for designating waters in the State of Illinois as Outstanding Resource Waters. In addition, the proposed amendments delineate the standards and procedures to insure protection of the waters of the State of Illinois from deterioration. A more detailed description of the rule can be obtained from the address below by requesting the first notice opinion in R01-13 dated June 21, 2001.

Specifically, the proposed amendments allow any person to petition the Pollution Control Board for the designation of a water or water segment as outstanding resource water through a rulemaking proceeding. Further, the proposed amendments set for what constitutes degradation of water resources and when the Illinois Environmental Protection Agency will assess potential degradation. The amendments also include the informational requirements and procedures the Illinois Environmental Protection Agency will utilize in assessing the potential for degradation of water resources. Finally, the amendments add new sections defining Outstanding Resource Waters and listing the Outstanding Resource Waters of Illinois.

- 6) Will this proposed amendment replace an emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this Proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Policy Objectives: The policy objectives of this rulemaking are those stated in Section 13 of the Environmental Protection Act. The objective is to protect health or the environment from the degradation of water quality in the lakes, streams and waters of Illinois.

These proposed amendments do not create or enlarge a state mandate as

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defined in Section 3(b) of the State Mandate Act. [30 ILCS 805/3(b)]

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R01-13 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed Marie E. Tipsord at 312-814-4925.

- 12) Initial Regulatory Flexibility Analysis: This proposal is required pursuant to the Federal Water Pollution Control Act 33 U.S.C. 1251-1387.

A) Types of small businesses affected: Any small business which discharges to waters of the State of Illinois

B) Reporting, bookkeeping, or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 102

REGULATORY AND INFORMATIONAL HEARINGS AND PROCEEDINGS

SUBPART A: GENERAL PROVISIONS

Section
102.100
102.102
102.104
102.106
102.108
102.110
102.112

Applicability
Severability
Definitions
Types of Regulatory Proposals
Public Comments
Waiver of Requirements
Other Proceedings

SUBPART B: REGULATIONS OF GENERAL APPLICABILITY, RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) AMENDMENTS, AND SITE-SPECIFIC REGULATIONS

Section
102.200
102.202
102.204
102.206
102.208
102.210
102.212

Proposal for Regulations of General Applicability
Proposal Contents for Regulations of General Applicability
Proposal of RCRA Amendments
Notice of Site-Specific RCRA Proposals
Proposal for Site-Specific Regulations
Proposal Contents for Site-Specific Regulations
Dismissal

SUBPART C: CLEAN AIR ACT AMENDMENTS (CAAA) FAST TRACK RULEMAKING

Section
102.300
102.302
102.304
102.306

Applicability
Agency Proposal
Hearings
Prefiled Testimony

SUBPART D: SERVICE AND FILING OF DOCUMENTS, MOTIONS, PRODUCTION OF INFORMATION, SUBPOENAS, PREHEARING CONFERENCES, AND HEARINGS

Section
102.400
102.402
102.404

Service and Filing of Documents
Motions, Production of Information, and Subpoenas
Initiation and Scheduling of Prehearing Conferences

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102.406 Purpose of Prehearing Conference
 102.408 Prehearing Order
 102.410 Authorization of Hearing
 102.412 Scheduling of Hearings
 102.414 Hearings on the Economic Impact of New Proposals
 102.416 Notice of Hearing
 102.418 Record
 102.420 Authority of the Hearing Officer
 102.422 Notice and Service Lists
 102.424 Prehearing Submission of Testimony and Exhibits
 102.426 Admissible Information
 102.428 Presentation of Testimony and Order of Hearing
 102.430 Questioning of Witnesses

SUBPART E: CERTIFICATION OF REQUIRED RULES

Section

102.500 Agency Certification
 102.502 Challenge to Agency Certification
 102.504 Board Determination

SUBPART F: BOARD ACTION

Section

102.600 Revision of Proposed Regulations
 102.602 Adoption of Regulations
 102.604 First Notice of Proposed Regulations
 102.606 Second Notice of Proposed Regulations
 102.608 Notice of Board Final Action
 102.610 Adoption of Identical-in-Substance Regulation
 102.612 Adoption of Emergency Regulations
 102.614 Adoption of Peremptory Regulations

SUBPART G: MOTIONS FOR RECONSIDERATION AND APPEAL

Section

102.700 Filing of Motions for Reconsideration
 102.702 Disposition of Motions for Reconsideration
 102.704 Correction of Publication Errors
 102.706 Appeal

SUBPART H: OUTSTANDING RESOURCE WATER DESIGNATION

Section

102.800 Applicability
 102.810 Petition
 102.820 Petition Contents
 102.830 Board Action

APPENDIX A

Comparison of Former and Current Rules

AUTHORITY: Implementing Sections 5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, and 41 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, and 41] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Originally adopted as Chapter 1: Procedural Rules, Part II: Regulatory and Other Nonadjudicative Hearings and Proceedings, in R70-4, 1 PCB 43, October 8, 1970; codified at 6 Ill. Reg. 8357; amended in R84-10 at 9 Ill. Reg. 1398, effective January 16, 1985; Part repealed, new Part adopted in R88-5(B) at 14 Ill. Reg. 9210, effective May 24, 1990; amended in R90-16 at 14 Ill. Reg. 20472, effective December 11, 1990; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 587, effective January 1, 2001; amended in R01-13 at 25 Ill. Reg. _____, effective _____.

SUBPART H: OUTSTANDING RESOURCE WATER DESIGNATION

Section 102.800 Applicability

This Subpart applies to any person seeking an Outstanding Resource Water (ORW) designation for a surface water or any water segment as provided by 35 Ill. Adm. Code 303.205.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 102.810 Petition

Any person may submit a petition for the adoption, amendment or repeal of an ORW designation. The original and nine (9) copies of each petition must be filed with the Clerk and one (1) copy each served upon the Agency, Illinois Department of Natural Resources, and the Attorney General.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 102.820 Petition Contents

Each proponent must set forth the following information in its proposal:

- The language of the proposed rule, amendment, or repealer identifying the waters or water segment being proposed for designation as a ORW. Language being added must be indicated by underscoring, and language being deleted must be indicated by strike-outs. The proposed rule must be drafted in accordance with 1 Ill. Adm. Code 100.Subpart C;
- A statement describing the specific surface water or water segment for which the ORW designation is requested and the present designation of

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c) the surface water or water segment;
 A statement describing the area in which the specific surface water or segment exists including:

- 1) The existence of wetlands or natural areas;
- 2) The living organisms in that area including endangered or threatened species of plants, aquatic life or wildlife listed pursuant to the Endangered Species Act, 16 USC 1531 et seq. or the Illinois Endangered Species Protection Act, 41 ILCS 10.

d) A statement supporting the designation including the health, environmental, recreational, aesthetic or economic benefits of the designation;

e) A statement identifying the ORW designation's anticipated impact on economic and social development. This statement should include:

- 1) Impacts on the regional economy;
- 2) Impacts on regional employment;
- 3) Impacts on the community;
- 4) A comparison of the health and environmental impacts to the economic impact of an ORW designation.

f) A statement describing the existing and anticipated uses of the specific surface water or water segment for which the ORW designation is requested;

g) A statement describing the existing quality of the specific surface water or water segment warranting the ORW designation;

h) A synopsis of all testimony to be presented by the proponent at hearing;

i) Copies of any material to be incorporated by reference within the proposed designation pursuant to Section 5-75 of the Administrative Procedures Act;

j) Proof of service upon all persons required to be served pursuant to Section 102.810 of this Part;

k) Unless the proponent is the Agency, Illinois Department of Natural Resources or receives a waiver by the Board, a petition signed by at least 200 persons, pursuant to Section 28 of the Act and Section 102.160(a); and

l) Where any information required by this Section is inapplicable or unavailable, a complete justification for such inapplicability or unavailability.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 102.830 Board Action

a) Dismissal

- 1) Failure of the proponent to satisfy the content requirements for proposals under this Subpart or failure to respond to Board requests for additional information will render a proposal subject to dismissal for inadequacy.

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2) Failure of the proponent to pursue disposition of the petition in a timely manner will render a petition subject to dismissal. In making this determination, the Board may consider factors including the history of the proceeding and the proponent's compliance with any Board or hearing officer orders.

3) Any person may file a motion challenging the sufficiency of the petition pursuant to 35 Ill. Adm. Code 101.Subpart E.

b) Designation of ORW. The Board must designate a water body or water body segment as an ORW and list it in 35 Ill. Adm. Code 303.206 if it finds:

- 1) The water body or water body segment is of uniquely high biological or recreational quality; and
- 2) The benefits of protection of the water from future degradation outweigh the benefits of economic or social opportunities that will be lost if the water is designated as an ORW.

(Source: Added at 25 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 302

3) Section Numbers: 302.105
Proposed Action:
Amended

4) Statutory Authority: 415 ILCS 5/11(b), 13, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to the Pollution Control Board proposes to 35 Ill. Adm. Code 102, 302, and 303 set forth the procedures for designating waters in the State of Illinois as Outstanding Resource Waters. In addition, the proposed amendments delineate the standards and procedures to insure protection of the waters of the State of Illinois from deterioration. A more detailed description of the rule can be obtained from the address below by requesting the first notice opinion in R01-13 dated June 21, 2001.

Specifically, the proposed amendments allow any person to petition the Pollution Control Board for the designation of a water or water segment as outstanding resource water through a rulemaking proceeding. Further, the proposed amendments set forth what constitutes degradation of water resources and when the Illinois Environmental Protection Agency will assess potential degradation. The amendments also include the informational requirements and procedures the Illinois Environmental Protection Agency will utilize in assessing the potential for degradation of water resources. Finally, the amendments add new sections defining Outstanding Resource Waters and listing the Outstanding Resource Waters of Illinois.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this Proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Policy Objectives: The policy objectives of this rulemaking are those stated in Section 13 of the Environmental Protection Act. The objective is to protect health or the environment from the degradation of water quality in the lakes, streams and waters of Illinois.

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act. [30 ILCS 805/3(b)]

11) Time, Place, and Manner in which interested persons may comment on this

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NOTICE OF PROPOSED AMENDMENTS

Proposed rulemaking: Written comments concerning this rulemaking should reference R01-13 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed Marie E. Tipsord at 312-814-4925.

12) Initial Regulatory Flexibility Analysis: This proposal is required pursuant to the Federal Water Pollution Control Act 33 U.S.C. 1251-1387.

A) Types of small businesses affected: Any small business which discharges to waters of the State of Illinois

B) Reporting, bookkeeping, or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 302

WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section	Definitions
302.100	Scope and Applicability
302.101	Allowed Mixing, Mixing Zones and ZIDs
302.102	Stream Flows
302.103	Main River Temperatures
302.104	Antidegradation Nondegradation
302.105	
	SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section	Scope and Applicability
302.201	Purpose
302.202	Offensive Conditions
302.203	pH
302.204	Phosphorus
302.205	Dissolved Oxygen
302.206	Radioactivity
302.207	Numeric Standards for Chemical Constituents
302.208	Fecal Coliform
302.209	Other Toxic Substances
302.210	Temperature
302.211	Ammonia Nitrogen and Un-ionized Ammonia
302.212	Effluent Modified Waters (Ammonia)
302.213	
	SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section	Scope and Applicability
302.301	Algicide Permits
302.302	Finished Water Standards
302.303	Chemical Constituents
302.304	Other Contaminants
302.305	Fecal Coliform
302.306	
	SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS
Section	Scope and Applicability
302.401	

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302.402	Purpose
302.403	Unnatural Sludge
302.404	pH
302.405	Dissolved Oxygen
302.406	Fecal Coliform (Repealed)
302.407	Chemical Constituents
302.408	Temperature
302.409	Cyanide
302.410	Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section	Scope, Applicability, and Definitions
302.501	Dissolved Oxygen
302.502	pH
302.503	Chemical Constituents
302.504	Fecal Coliform
302.505	Temperature
302.506	Thermal Standards for Existing Sources on January 1, 1971
302.507	Thermal Standards for Sources Under Construction But Not in Operation on January 1, 1971
302.508	Other Sources
302.509	Incorporations by Reference
302.510	Offensive Conditions
302.515	Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)
302.520	Supplemental Antidegradation Provisions for BCCs
302.521	Radioactivity
302.525	Supplemental Mixing Provisions for Bioaccumulative Chemicals of Concern (BCCs)
302.530	Ammonia Nitrogen
302.535	Other Toxic Substances
302.540	Data Requirements
302.545	Analytical Testing
302.550	Determining the Lake Michigan Aquatic Toxicity Criteria or Values - General Procedures
302.553	Determining the Tier I Lake Michigan Acute Aquatic Toxicity Criterion (LMAATC): Independent of Water Chemistry
302.555	Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry
302.560	Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)
302.563	Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCAATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCAATV)
302.565	Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
302.570	

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- 302.575 Procedures for Deriving Tier I Water Quality Criteria in the Lake Michigan Basin to Protect Wildlife
- 302.580 Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health - General
- 302.585 Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)
- 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHNV)
- 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

- Section
- 302.601 Scope and Applicability
- 302.603 Definitions
- 302.604 Mathematical Abbreviations
- 302.606 Data Requirements
- 302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures
- 302.615 Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry
- 302.618 Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry
- 302.621 Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances
- 302.627 Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures
- 302.630 Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances
- 302.633 The Wild and Domestic Animal Protection Criterion
- 302.642 The Human Threshold Criterion
- 302.645 Determining the Acceptable Daily Intake
- 302.648 Determining the Human Threshold Criterion
- 302.651 The Human Nonthreshold Criterion
- 302.654 Determining the Risk Associated Intake
- 302.657 Determining the Human Nonthreshold Criterion
- 302.658 Stream Flow for Application of Human Nonthreshold Criterion
- 302.660 Bioconcentration Factor
- 302.663 Determination of Bioconcentration Factor
- 302.666 Utilizing the Bioconcentration Factor
- 302.669 Listing of Derived Criteria

- APPENDIX A References to Previous Rules
- APPENDIX B Sources of Codified Sections

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AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in R94-1(B) at 20 Ill. Reg. 370, effective December 23, 1996; expedited correction at 20 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1356, effective December 24, 1997; amended in R99-8 at 23 Ill. Reg. 11249, effective August 26, 1993; amended in R01-13 at 25 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript number or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section 302.105 Antidegradation Nondegradation

The purpose of this Section is to protect existing uses of all water of the State of Illinois, maintain the quality of waters with quality that is better than water quality standards, and prevent unnecessary deterioration to waters of the State.

a) Existing Uses

Uses actually attained in the water body or water body segment on or after November 28, 1975, whether or not they are included in the water quality standards, must be maintained and protected. Examples of degradation of existing uses of the waters of the State include:

- 1) an action that would result in the deterioration of the existing aquatic community, such as a shift from a community of predominantly pollutant-sensitive species to pollutant-tolerant species or a loss of species diversity;
- 2) an action that would result in a loss of a resident or indigenous species whose presence is necessary to sustain commercial or recreational activities; or
- 3) an action that would preclude continued use of a water body or water body segment for a public water supply or for recreational

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or commercial fishing, swimming, paddling or boating.

- b) Outstanding Resource Waters
- 1) Waters that are designated as Outstanding Resource Waters (ORWs) pursuant to 35 Ill. Adm. Code 303.205 and listed in 35 Ill. Adm. Code 303.206 must not be lowered in quality except as provided below:
 - A) Activities that result in short-term, temporary (i.e., week or months) lowering of water quality in an ORW; or
 - B) Existing site stormwater discharges that comply with applicable federal and state stormwater management regulations and do not result in a violation of any water quality standards.
 - 2) Any activity in subsections (b)(1)(A) or (b)(1)(B) that requires a National Pollutant Discharge Elimination System (NPDES) or a Clean Water Act (CWA) Section 401 certification must also comply with (c)(2).
 - 3) Any activity listed in subsection (b)(1) or proposed increase in pollutant loading must also meet the following requirements:
 - A) All existing uses of the water will be fully protected;
 - B) The proposed increase in pollutant loading is necessary for an activity that will improve water quality in the ORW; and
 - C) The improvement could not be practicably achieved without the proposed increase in pollutant loading.
 - 4) Any proposed increase in pollutant loading requiring an NPDES permit or a CWA 401 certification for an ORW must be assessed pursuant to subsection (f) to determine compliance with this Section.
 - c) High Quality Waters
 - 1) Except as otherwise provided in subsection (d) of this Section, waters of the State whose existing quality is better than any of the established standards of this Part must be maintained in their present high quality, unless the lowering of water quality is necessary to accommodate important economic or social development.
 - 2) The Agency must assess any proposed increase in pollutant loading that necessitates a new, renewed or modified NPDES permit or any activity requiring a CWA Section 401 certification to determine compliance with this Section 302.105. In making this assessment, the Agency must:
 - A) Consider the fate and effect of any parameters proposed for an increased pollutant loading; and
 - B) Assure the following:
 - i) The applicable numeric or narrative water quality standard will not be exceeded as a result of the proposed activity;
 - ii) All existing uses will be fully protected;
 - iii) All technically and economically reasonable measures to avoid or minimize the extent of the proposed

POLLUTION CONTROL BOARD

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- increase in pollutant loading have been incorporated into the proposed activity; and
- iv) The activity that results in an increased pollutant loading will benefit the community at large.
- C) Utilize the following information sources, when available:
- i) Information, data or reports available to the Agency from its own sources;
 - ii) Information, data or reports supplied by the applicant;
 - iii) Agency experience with factually similar permitting scenarios; or
 - iv) Any other valid information available to the Agency.
- d) Activities Not Subject to a Further Antidegradation Assessment
- The following activities will not be subject to a further antidegradation assessment pursuant to subsection (c) of this Section.
- 1) Short-term, temporary (i.e., weeks or months) lowering of water quality;
 - 2) Bypasses that are not prohibited at 40 CFR 122.41(m);
 - 3) Response actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, corrective actions pursuant to the Resource Conservation and Recovery Act (RCRA), as amended or similar federal or State authority, taken to alleviate a release into the environment of hazardous substances, pollutants or contaminants which may pose a danger to public health or welfare;
 - 4) Thermal discharges that have been approved through a CWA Section 316(a) demonstration;
 - 5) New or increased discharges of a non-contact cooling water, without additives, returned to the same body of water from which it was taken as defined by 35 Ill. Adm. Code 352.104, provided that the discharge complies with applicable Illinois thermal standards;
 - 6) Discharges permitted under a current general NPDES permit as provided by 415 ILCS 5/39(b) or a general CWA Section 401 certification are not subject to facility-specific antidegradation review; however, the Agency must assure that individual permits or certification are required prior to all new pollutant loading or hydrological modifications that necessitate a new, renewed or modified NPDES permit or CWA Section 401 certification that affect waters of particular biological significance; or
 - 7) Changes to or inclusion of a new permit limitation that does not result in an actual increase of a pollutant loading, such as those stemming from improved monitoring data, new analytical testing methods, new or revised technology or water quality based effluent limits.
- e) Lake Michigan Basin
- Waters in the Lake Michigan basin as identified in 35 Ill. Adm. Code

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302.443 are also subject to the requirements applicable to bioaccumulative chemicals of concern found at Section 302.521 of this Part.

E) Antidegradation Assessments

In conducting an antidegradation assessment pursuant to this Section, the Agency must comply with the following procedures:

- 1) A permit application for any proposed increase in pollutant loading that necessitates a new, renewed, or modified NPDES permit, with a new or increased permit limit, or a CWA Section 401 certification, must include, to the extent necessary for the Agency to determine that the permit application meets the requirements of Section 302.105, the following information:

- A) Identification and characterization of the waters affected by the proposed load increase or proposed activity and their existing uses. Characterization must address physical, biological and chemical conditions of the waters;

- B) Identification and quantification of the proposed load increases for the applicable parameters and of the potential impacts of the proposed activity on the affected waters;

- C) The purpose and anticipated benefits of the proposed activity. Such benefits may include:

- i) Providing a centralized wastewater collection and treatment system for a previously unserved community;
- ii) Expansion to provide service for anticipated residential or industrial growth consistent with a community's long range urban planning;
- iii) Addition of a new product line or production increase or modification at an industrial facility; or,
- iv) An increase or the retention of current employment levels at a facility.

- D) Assessments of alternatives to proposed increases in pollutant loading or activities subject to Agency certification pursuant to Section 401 of the CWA that result in less of a load increase, no load increase or minimal environmental degradation. Such alternatives may include:

- i) Additional treatment levels including no discharge alternatives;
- ii) Discharge of waste to alternate locations including publicly-owned treatment works and streams with greater assimilative capacity; or
- iii) Manufacturing practices that incorporate pollution prevention techniques.

- E) Any additional information the Agency may request.

- F) Any of the information sources identified in subsection 302.105(d)(3).

- 2) The Agency must complete an antidegradation demonstration review in accordance with the provisions of this Section.

- A) The antidegradation assessment pursuant to this Section is a

POLLUTION CONTROL BOARD

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part of the NPDES permitting process or the CWA Section 401 certification process. However, applicants may initiate communication with the Agency, preferably during the planning stage for any load increase. Communication will help assure the adequacy of information necessary to constitute an antidegradation demonstration and avoid or minimize delays and requests for supplemental information during the permitting stage. The Agency review process must be initiated by:

- i) an informal or preliminary request of a proponent of a project prior to filing of a permit application; or
- ii) receipt of application for an NPDES permit issuance, renewal or modification, or a CWA Section 401 certification.

- B) A proponent seeking an immediate review of the result of the Agency's review pursuant to subsection (f)(2)(A)(ii) must do so within the NPDES permit process or the CWA Section 401 certification process.

- C) After a review pursuant to subsection (f)(2)(A)(i), the Agency must consult with the proponent and respond:

- i) in writing to written requests. The written response will include a statement by the Agency indicating whether the demonstration, based upon the information provided or information acquired by the Agency during the review process, meets the criteria of this Section;

- ii) verbally to verbal request; or

- iii) in a manner otherwise agreed upon.

- D) After its review, the Agency must produce a written analysis addressing the requirements of this Section and provide a decision yielding one the following results:

- i) If the demonstration meets the requirements of this Section, then the Agency must proceed with public notice of the NPDES permit or CWA Section 401 certification and include the written analysis as a part of the fact sheet accompanying the public notice; If the demonstration does not meet the requirements of this Section, then the Agency must provide a written analysis to the applicant and must be available to discuss the deficiencies that led to the disapproval. The Agency may suggest methods to remedy the conflicts with the requirements of this Section;

- iii) If the demonstration does not meet the requirements of this Section, but some lowering of water quality is allowable, then the Agency will contact the applicant with the results of the review. If the reduced loading increase is acceptable to the applicant, upon the receipt of an amended demonstration, the Agency

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will proceed to public notice; or if the reduced loading increase is not acceptable to the applicant, the Agency will transmit its written review to the applicant in the context of a NPDES permit denial or a CWA Section 401 certification denial.

- 3) The Agency will conduct public notice and public participation through the public notice procedures found in 35 Ill. Adm. Code 309.109 or CWA Section 401 certifications. The Agency must incorporate the following information into a fact sheet accompanying the public notice:

- A) A description of the activity, including identification of water quality parameters which will experience the increased pollutant loading;
 - B) Identification of the affected water segment, any downstream water segment also expected to experience a lowering of water quality, characterization of the designated and current uses of the affected segments and identification of which uses are most sensitive to the proposed load increase;
 - C) A summary of any review comments and recommendations provided by Illinois Department of Natural Resources, local or regional planning commissions, zoning boards and any other entities the Agency consults regarding the proposal;
 - D) An overview of alternatives considered by the applicant and identification of any provisions or alternatives imposed to lessen the load increase associated with the proposed activity; and
 - E) The name and telephone number of a contact person at the Agency who can provide additional information.
- Except as otherwise provided in Section 302-5207, waters whose existing quality is better than the established standards at the date of their adoption will be maintained in their present high quality. Such waters will not be lowered in quality unless and until it is affirmatively demonstrated that such change will not interfere with or become injurious to any appropriate beneficial uses made of, or presently possible in, such waters and that such change is justifiable as a result of necessary economic or social development.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Numbers:
303.205 New Section
303.206 New Section
- 4) Statutory Authority: 415 ILCS 5/11(b), 13, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments the Pollution Control Board proposes to 35 Ill. Adm. Code 102, 302, and 303 set forth the procedures for designating waters in the State of Illinois as Outstanding Resource Waters. In addition, the proposed amendments delineate the standards and procedures to insure protection of the waters of the State of Illinois from deterioration. A more detailed description of the rule can be obtained from the address below by requesting the first notice opinion in R01-13 June 21, 2001.

Specifically, the proposed amendments allow any person to petition the Pollution Control Board for the designation of a water or water segment as outstanding resource water through a rulemaking proceeding. Further, the proposed amendments set forth what constitutes degradation of water resources and when the Illinois Environmental Protection Agency will assess potential degradation. The amendments also include the informational requirements and procedures the Illinois Environmental Protection Agency will utilize in assessing the potential for degradation of water resources. Finally, the amendments add new sections defining Outstanding Resource Waters and listing the Outstanding Resource Waters of Illinois.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
 - 7) Does this rulemaking contain an automatic repeal date? No
 - 8) Does this proposed amendment contain incorporations by reference? No
 - 9) Are there any other proposed amendments pending on this Part? No
 - 10) Statement of Policy Objectives: The policy objectives of this rulemaking are those stated in Section 13 of the Environmental Protect Act. The objective is to protect health or the environment from the degradation of water quality in the lakes, streams and waters of Illinois.
- These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act. [30 ILCS 805/3(b)]

POLLUTION CONTROL BOARD

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- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R01-13 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed Marie E. Tiptord at 312-814-4925.

- 12) Initial Regulatory Flexibility Analysis: This proposal is required pursuant to the Federal Water Pollution Control Act 33 U.S.C. 1251-1387.

- A) Types of small businesses affected: Any small business which discharges to waters of the State of Illinois
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 303

WATER USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section
303.100
303.101
303.102

Scope and Applicability
Multiple Designations
Rulemaking Required

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section
303.200
303.201
303.202
303.203
303.204
303.205
303.206

Scope and Applicability
General Use Waters
Public and Food Processing Water Supplies
Underground Waters
Secondary Contact and Indigenous Aquatic Life Waters
Outstanding Resource Waters
List of Outstanding Resource Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

Section
303.300
303.301
303.311
303.312
303.321
303.322
303.323
303.331
303.341
303.351
303.352
303.353
303.361
303.400
303.430
303.431
303.441
303.442

Scope and Applicability
Organization
Ohio River Temperature
Waters Receiving Fluorspar Mine Drainage
Wabash River Temperature
Unnamed Tributary of the Vermilion River
Sugar Creek and Its Unnamed Tributary
Mississippi River North Temperature
Mississippi River South Central Temperature
Mississippi River South Central Temperature
Unnamed Tributary of Wood River Creek
Schoenberger Creek; Unnamed Tributary of Cahokia Canal
Mississippi River South Temperature
Bankline Disposal Along the Illinois Waterway/River
Unnamed Tributary to Dutch Creek
Long Point Slough and Its Unnamed Tributary
Secondary Contact Waters
Waters Not Designated for Public Water Supply

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Section 303.206 List of Outstanding Resource Waters
The Board has not designated any Outstanding Resource Waters pursuant to 35 Ill. Adm. Code 102.Subpart H.
(Source: Added at 25 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD
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303.443 Lake Michigan Basin
303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River

SUBPART D: THERMAL DISCHARGES

- Section 303.500 Scope and Applicability
303.502 Lake Sangchris Thermal Discharges
- APPENDIX A References to Previous Rules
APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 25 Ill. Reg. _____, effective _____.

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section 303.205 Outstanding Resource Waters

An Outstanding Resource Water (ORW) is a water body or water body segment that is of uniquely high biological or recreational quality and must be designated by the Board pursuant to 35 Ill. Adm. Code 102.Subpart H.

- a) Outstanding Resource Waters ("ORW") shall be listed in Section 303.206 of this Part. In addition to all other applicable use designations and water quality standards contained in this Subtitle, an ORW is subject to the antidegradation provision of Section 302.105(b).
- b) A petition to designate a water or water segment as an ORW must be submitted to the Illinois Pollution Control Board pursuant to the procedural rules found in 35 Ill. Adm. Code 102.Subpart H.

(Source: Added at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Numbers: 153.125
Proposed Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Senate Bill 608, Public Act 92-0011 and Public Act 92-0010

5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's rules concerning long term care services provide reimbursement increases for nursing facilities (SNF/ICF), intermediate care facilities for persons with developmental disabilities (ICF/MR), skilled nursing facilities for persons under the age of 22 years (ICF/MR-SNF/Ped), and developmental training agencies.

For nursing facilities, rates shall be computed according to the most recent cost reports up to April 1, 2000, and updated for inflation to January 1, 2001. The rates effective on July 1, 2001, shall be the greater of the rate computed for July 1, 2001, or the rate in effect on June 30, 2001. Other proposed changes concerning building value, real estate taxes, wages and capital and support rates are being made in coordination with these rate changes. These proposed amendments are expected to result in a budgetary increase of approximately \$70 million during fiscal year 2002, and annualized expenditures for nursing facility services are expected to increase by approximately \$89 million.

For ICF/MR certified facilities, including ICF/DD and SNF/Ped licensed facilities, an increase in rates for residential services shall be equal to a statewide average of 7.85 percent. Residential rates taking effect on March 1, 2001, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component. These two rate components shall be adjusted by the Department of Human Services' geographical area adjuster. These proposed amendments are expected to result in an annual increase in expenditures for DHS of approximately \$42 million.

For developmental training agencies, rates taking effect on March 1, 2001, shall be increased by 9.05 percent and adjusted according to DHS' geographical area adjuster.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded nursing facilities, facilities for persons with developmental disabilities and developmental training agencies

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the 2 most recent regulatory

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NOTICE OF PROPOSED AMENDMENTS

agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendments is identical to the text of the emergency amendments that appears in this issue of the Illinois Register on page 8869 - -.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Authorizations
- 2) Code Citation: 89 Ill. Adm. Code 520
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
520.10	Amendment
520.20	Amendment
520.30	Amendment
520.100	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(k) of Disabled Persons Rehabilitation Act [20 ILCS 2405/3(k)].
- 5) Effective Date of Amendments: July 2, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 16, 2001, 25 Ill. Reg. 2524
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rulemakings: This rulemaking amends this Part to bring it up to date in language and cites. The amendments also remove parts of the rule which over the years have been misinterpreted. This has caused confusion and is not in compliance with the federal regulations which require preapproval of all services.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:
Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 520

AUTHORIZATIONS

Section

- 520.10 Timing of the Authorization
- 520.20 Issuance of Authorizations
- 520.30 Standards for the Issuance of Authorizations
- 520.100 Authorization for Purchased Services

AUTHORITY: Implementing and authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(k)].

SOURCE: Adopted at 8 Ill. Reg. 9104, effective June 15, 1984; amended at 13 Ill. Reg. 5149, effective March 31, 1989; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 25 Ill. Reg. 87 58 - 2 effective III 2 2001.

Section 520.10 Timing of the Authorization

The ~~in-general~~ the authorization for services must be made either prior to or simultaneously with the purchase of services. ~~Exceptions to this may be made after the purchase of service in compliance with the standards in Sections 520.20 and 520.30.~~

(Source: Amended III 2 2001 at 25 Ill. Reg. 87 58 - 2, effective III 2 2001)

Section 520.20 Issuance of Authorizations

Written authorizations must be made prior to the purchase of services. However, oral authorizations shall be made prior to or simultaneously with or after the provision of services when a service has not been anticipated and included in the customer's citizens Individualized Plan for Employment (IPE) ~~Written--Rehabilitation--Program--(WRP)~~ (89 Ill. Adm. Code 572) or Service Plan (89 Ill. Adm. Code 684 706), ~~but later found to be necessary and immediate and meets the standards as set forth in Section 520.30.~~ The oral authorization must be followed by a written authorization to the vendor.

(Source: Amended III 2 2001 at 25 Ill. Reg. 87 58 - 2 effective III 2 2001)

Section 520.30 Standards for the Issuance of Authorizations

In order for authorization to be issued, the services must:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

a) be essential to:

- 1) the determination of eligibility (89 Ill. Adm. Code 553.552); or
- 2) the achievement of the objectives listed in the IPE IWRP or Service Plan by meeting one of the following:

- A) Prior Commitment: there was prior discussion and written or oral commitment by the counselor to the provider or to the customer client, or both, to provide the service; or 7-at-a-inter-date-
- B) Consistent--Service---the--service---is---consistent---with previously-discussed-and-established-objectives--eligibility determination---medical-reduction-of-functional-limitations, training?---and--is--a--service--essential--to---reach---the objectives-of-the-IWRP-or-Service-Plan-

- B) Supportive Service: the service is directly related to and an integral part of, a service previously authorized, and the supportive service is included in the customer's IPE client's-IWRP or Service Plan (e.g., lab test or x-ray with an authorized exam, anesthesia for authorized surgery, books or supplies for authorized training); and
- b) when so required, be from a qualified vendor as specified in 89 Ill. Adm. Code: Chapter IV, Subchapter b (Vocational Rehabilitation) and Subchapter d (Home Services Program); and
- c) be consistent with the Department of Human Services (DHS) set rate of payments, exceptions being:

- 1) extraordinary medical procedures or prescriptions requiring highly complex or skilled services for which established rates have not been set (these exceptions must be approved by a DHS medical consultant);
- 2) services which are available from only one service provider or services which are above set rates but still less expensive than the purchase of the same service at the set rate because of the need for support services, i.e., maintenance (89 Ill. Adm. Code 590.650 602) and transportation (89 Ill. Adm. Code 590.600 607-20);
- 3) services for which set rates have not been established. In these cases, services will be authorized based upon best value, by comparative analysis of cost and quality of similar services.

(Source: Amended at 25 Ill. Reg. 8758^m, effective 3-2-94)

Section 570.100 Authorization for Purchased Services

- a) In authorizing purchased services, it should be remembered that under Section 50-13 of the Illinois Procurement Code [30 ILCS 500/50-13] DHS cannot pay for services from some State employees, even if provided on their own time, without the granting of an exemption. If a proposed authorization is with a State employee, the DHS-ORS supervisor shall

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submit the proposed authorization to CMS for review in compliance with Subpart P of 44 Ill. Adm. Code 1 (Standard Procedures - Ethics). anyone--who--is--on--another-state-agency-payroll--even-if-provided-on his/her-own-time--except--university--employees--and--those--who--have secured--a--waiver--letter--from--the-Governor--according-to-the-Illinois Purchasing-Act-[30-ILCS-505]-

- b) Amounts authorized for purchased services shall constitute total charges and payment in full for those services. Providers shall not charge clients with fees or portions of fees for services authorized by DHS.

(Source: Amended at 25 Ill. Reg. 8758^m, effective 3-2-94)

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1) Heading of the Part: Refugee/Repatriate Program2) Code Citation: 89 Ill. Adm. Code 1153) Section Numbers:

115.10
Amendment
115.30
Amendment
115.32
Amendment
115.34
Amendment
115.36
Amendment
115.38
Amendment
115.40
Amendment
115.50
Amendment
115.60
Amendment

4) Statutory Authority: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.5, 12-4.6 and 12-13].5) Effective Date of Rulemaking: July 2, 20016) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 23, 2001 (25 Ill. Reg. 2960)10) Has JCAR issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Section 115.10(b)(1), "single" was struck, "An adult" was changed to "A single adult", a comma was added after "child" and "their" was changed to "his/her".
2. In Section 115.10(b)(2), ", which" was added after "cases".
3. In Section 115.10(e)(2), "and" was struck.
4. In Section 115.10(e)(3), "See" was changed to the lower case.
5. In Section 115.10(e)(3)(F), "Cash" was changed to lower case.

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6. In Section 115.10(e)(3)(H), "U.S.C." was changed to "USC".
7. In Sections 115.10(e)(3)(K)(i), (ii), and (iii), ".00" was struck.
8. In Section 115.10(e)(3)(S), "Family" was changed to the lower case.
9. In Section 115.10(e)(3)(S), "; and" was added.
10. In Section 115.10(f), "Food Stamp" was changed to the lower case.
11. In Section 115.30, "United States" was changed to "U.S.".
12. In Section 115.32(a), a comma was added after "e.g.".
13. In Sections 115.34(b)(2) and (3), "Section 115.34" was changed to "subsection".
14. In Section 115.34(c), the semi-colon was changed to a colon.
15. In Section 115.34(c), the Ill. Rev. Stat. citation was replaced by "[820 ILCS 145]".
16. In Section 115.36, the hyphen was deleted.
17. In Section 115.38(a), "they register for work and request" was changed to "he/she registers for work and requests".
18. In Section 115.38(a), the parens were struck.
19. In Section 115.60(b), "As of the effective date of this rule," was struck and "the" was capitalized.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will these amendments replace emergency amendments currently in effect? Yes14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking: Pursuant to federal regulations at 45 CFR Part 400, these amendments revise the Refugee Resettlement Program. The major changes include:

- for RRP cash assistance, starting with the date of application for cases approved on or after January 1, 2001;
- for asylees, beginning the eight months of RRP eligibility from the

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date asylum is granted, not the date the person entered the United States;

- budgeting for RRP cash assistance cases in the same manner budgeting is done for TANF, including allowing the 2/3 earned income disregard and quarterly reporting;
- revising the exemptions from work registration;
- revising the definitions of adult and child to more closely match the TANF Program. A separate RRP case will be established for a child age 18 who is not a full-time high school student and for each child age 19 and 20;
- for RRP medical, basing initial eligibility on income on the date of application, regardless of increases that may occur during application processing; and
- for RRP medical, disregarding employment earnings if the refugee becomes employed after the date of application.

This rulemaking also replaces Aid to Families with Dependent Children (AFDC) references with Temporary Assistance for Needy Families (TANF).

16) Information and questions regarding these adopted amendments shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg,
Springfield, Illinois 62762
(217) 785-9772

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 115
REFUGEE/ENTRANT/REPATRIATE PROGRAM

Section

115.1 Incorporation By Reference

115.10 General Provisions

115.20 The Cuban Phasedown Program (Repealed)

115.30 The Refugee Resettlement Program

115.32 Refugee Resettlement Program: Application for Assistance

115.34 Refugee Resettlement Program: Furnishing of Social Security Numbers

115.36 Refugee Resettlement Program: Work Registration/Participation

115.37 Refugee Resettlement Program: Individuals Exempt From Mandatory

115.38 Refugee Resettlement Program: Counseling (Repealed)

Work Requirements
115.39 Refugee Resettlement Program: Sanctions For Failure to Cooperate With

115.40 Refugee Resettlement Program: Good Cause For Failure to Cooperate

115.40 The Cuban/Haitian/Entrant (Status Pending) Program

115.50 The Repatriate Program

115.60 Special Provisions Relating to Parolees

AUTHORITY: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.5, 12-4.6 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 28, p. 2, effective June 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 48, p. 60, effective November 25, 1978; amended at 5 Ill. Reg. 2786, effective March 3, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 6 Ill. Reg. 11921, effective September 21, 1982; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16109, effective November 22, 1983; amended at 8 Ill. Reg. 6804, effective May 3, 1984; amended at 9 Ill. Reg. 2296, effective February 5, 1985; amended at 13 Ill. Reg. 3932, effective March 10, 1989; amended at 13 Ill. Reg. 13631, effective August 14, 1989; amended at 14 Ill. Reg. 773, effective January 1, 1990; amended at 14 Ill. Reg. 10438, effective June 20, 1990; amended at 16 Ill. Reg. 10291, effective June 19, 1992; amended at 18 Ill. Reg. 17671, effective November 30, 1994; amended at 20 Ill. Reg. 11484, effective August 9, 1996; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 25 Ill. Reg. 3046, effective February 8, 2001, for a maximum of 150 days; ~~amended~~ at 25 Ill. Reg. 8763, effective

Section 115.10 General Provisions

a) The Department administers the Refugee Resettlement Program (RRP RPP)7

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~~the--Guban/Haitian--Entrant--(Status--Pending)--Program--(CHRP); and the~~
~~Repatriate Program in Illinois. These programs are fully funded by~~
~~grants provided by the federal government. The administration and~~
~~authorization of assistance under any of these programs is limited to~~
~~a period of time established by the federal government based on~~
~~available federally appropriated funds for the year. The~~
~~administration and authorization of assistance under any of these~~
~~programs ceases if the Department is not authorized to request and~~
~~receive federal funds for the purpose of providing assistance under~~
~~these programs.~~

b) For the Refugee Resettlement Program ~~and--the--Guban/Haitian--Entrant~~
~~(Status--Pending)--Program, assistance shall be authorized on the basis~~
~~of the Temporary Assistance for Needy Families (TANF) Aid-to-Families~~
~~with--Dependent--Children--(APDC) Payment Level. The following case~~
~~compositions define the level of issuance:~~

1) ~~Single Adult (age-18-or-older). A single adult is a person who is~~
~~ineligible as a child, or married and living with his/her spouse,~~
~~or a minor parent (or caretaker) of a child. Full-time college~~
~~students, age 18 or over, do not qualify for cash benefits. (age~~
~~18-or-older).~~

2) ~~Family cases, which must include at least one eligible child.~~
~~The child must be under age 18 or age 18 and a full-time student~~
~~in high school. Only the following adults may be included:~~

A) ~~A specified relative of the child and the spouse of the~~
~~specified relative; or~~

B) ~~The legal guardian of child and the spouse of the legal~~
~~guardian; or~~

C) ~~The unrelated caretaker of a child and the spouse of the~~
~~unrelated caretaker.~~

c) ~~For cash, resources Resources to be considered in all situations are~~
~~those immediately available for use at the time financial assistance~~
~~is needed. Available resources are to be considered when they are in~~
~~existence, the value is ascertainable, they are under the control of~~
~~the recipient, and can be drawn upon for maintenance. Resources are~~
~~not considered for medical only cases.~~

d) ~~For the Refugee Resettlement Program, assistance may not ordinarily be~~
~~furnished for more than the established period of time after the date~~
~~of entry. For persons granted asylum, the established period of time~~
~~starts with the date asylum was granted. The--Guban/Haitian--Entrant~~
~~(Status--Pending)--Program-is-limited-to-the-established-period-of-time~~
~~after-the-specific-date.~~

e) ~~The following provisions are applicable to the RRP and GHEP programs:~~

1) ~~To be eligible for RRP and GHEP, a family or individual(s) must~~
~~be ineligible for categorical assistance (TANF APDC, Aid to the~~
~~Aged, Blind or Disabled (AABD), and related Medical Assistance~~
~~No Grant (WANG) programs);~~

2) ~~The individuals must avail themselves of all potential resources~~
~~including application for and acceptance of Supplemental Security~~

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Income (SSI) and categorical assistance; and
 3) The following provisions of the TANF APDC program (see 89 Ill. Adm. Code 112) are applicable to the RRP:

A) Client and Department rights and responsibilities. Refugees or parolees who are potentially eligible for SSI must apply for SSI.

B) Application for assistance (not eligible for \$100 compensatory payment or Presumptive Eligibility (PE) authorization). All adults ~~refugees-over-18-years-of-age~~ must sign the application. Cash benefits start with the date of application.

C) ~~Citizenship.~~

CB) Residence. ~~Temporary--absence-from-the-home-does-not-apply~~ to RRP.

DB) Client Cooperation.

EP) Furnishing of Social Security Numbers.

G) ~~Registration/Participation-requirements.~~

FH) Assets (cash benefits only).

G) Income. For RRP medical, initial eligibility is based on income on the date of application. Earnings from employment that start after the date of application do not count for RRP medical. ~~All-non-exempt-income--including--income--from the--Voluntary--Sponsoring--Agency--(VSA)--must-be-budgeted. the-earned-income-exemption-(930--if-9-does-not-apply)- Support from responsible relatives (Non-Title IV-D provisions) (42 USC 6-S-E 651 et seq.).~~

IK) Personal Injury.

Jb) Other financial benefits (i.e., the child care for work and training and other benefits described in 89 Ill. Adm. Code 112.308).

KM) Standards:

For a single adult case, the following payment levels apply:

i) Group I Counties

\$212-00 monthly

ii) Group II Counties

\$204-00 monthly

iii) Group III Counties

\$173-00 monthly.

LN) Special authorizations.

MB) Medical Assistance standard (use the MANG(C) standard if Medical Assistance only is authorized; for a household of one, the Medical-Only Standard is \$283/month).

P) ~~Redetermination-of-Eligibility.~~

ii) Monthly-reporting-does-not-apply-to-RRP.

iii) ~~Refugee--recipients--are--not--included--in--central redeterminations.~~

iii) ~~the--Department--must--contact--the-VSA--(See-Section ii5-92-for-information-to-request).~~

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- NO) Case Records.
 OR) Medical Services.
 PS) Funeral and Burials.
 QT) Incorrect Payments.
 RA) Special Projects.
 SV) Crisis Assistance Programs (family cases only) ~~fire--the~~
~~Hardship--Program--the--Speci--Assistance-Program-and-the~~
~~Emergency-Assistance-Program-described-in-89-III-Adm--Code~~
~~1167).~~

TW) Replacement of lost or stolen warrants; and-
 4) In family cases, the parent (or other responsible person making application) is to be designated as the payee. In adult cases, the recipient is to be the payee.

f) Individuals receiving assistance under these three programs are eligible to participate in the food stamp program if they meet the eligibility requirements of the food stamp Food-Stamp Program.

(Source: Amended at 25 Ill. Reg. 87 6 3 - 2, effective JUL 2 2001)

Section 115.30 The Refugee Resettlement Program

a) The Refugee Resettlement Program (RRP) provides for the authorization of assistance (financial and medical or medical only) for eligible needy refugees and asylees from any nation, for Cuban/Haitian Entrants, and for certain Amerasian immigrants from Vietnam (and their close family members) as determined by the Immigration and Naturalization Service.

b) In order to be eligible to be included in a Refugee Resettlement assistance unit, an individual must be a refugee, admitted into the U.S. United-States-(U-S-) as a refugee or granted asylum, or be an Amerasian born in Vietnam between January 1, 1962, and January 1, 1976, (or a close family member of such an Amerasian) and admitted to the U.S. United--States--(U-S-) as an immigrant under the Orderly Departure Program (P.L. 96-212) on March 20, 1988, or be a Cuban/Haitian Entrant admitted on or after April 21, 1980.

c) Assistance is limited to a period of time established by the federal government based on available federally appropriated funds for the year. The period of time begins with the first month the person ~~refugee~~ entered the U.S. United--States, except for asylees, whose period begins with the date asylum was granted. Individuals whose who ~~have-lived-in-the-U-S--more-than-the~~ established period of time has expired may be eligible for State Family and Children Assistance or Transitional Assistance.

d) A child born to refugee parents may be included in the assistance unit even though the child was born in the U.S., as long as both parents are refugees.

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(Source: Amended JUL 2 2001 at 25 Ill. Reg. 87 6 3 - 2, effective JUL 2 2001)

Section 115.32 Refugee Resettlement Program: Application for Assistance

a) As part of the regular process of determining a refugee's eligibility ~~and--at--each--redetermination--of--eligibility~~ for assistance, the Department shall contact the Voluntary Sponsoring Agency (e.g., U-S-Catholic Charities Conference, World Relief, etc. Refugee-Service--and the--Hebrew--Immigrant-Aid-Society) or its local affiliate in the area which sponsored the refugee and inform such Sponsor that the refugee has applied for assistance or is receiving assistance. The Department shall also request from the Voluntary Sponsoring Agency or its local affiliate the following information:

- 1) what assistance the Sponsor is providing to the refugee; and
- 2) whether the refugee or anyone in his family has without good cause refused to apply for a job, refused an offer of employment, voluntarily quit a job, or refused job skill training or English language training within the last 30 days (see Section 115.39 for definition of good cause and Section 115.34 for appropriate work and training criteria).

b) An applicant who is not exempt from work registration/ participation requirements (as defined in Section 115.36) is not eligible for refugee assistance for 30 days after quitting a job or refusing to apply for a job or refusing to accept an appropriate offer of employment as determined by the Department and/or the VOLAG. Only the nonexempt applicant shall be ineligible for assistance.

(Source: Amended at 25 Ill. Reg. 87 6 3 - 2, effective JUL 2 2001)

Section 115.34 Refugee Resettlement Program: Work Registration/ Participation Requirements

a) As a condition of eligibility for refugee cash assistance, all nonexempt adult refugees under age 60 ~~age-16-through-59~~ must register for employment with the Refugee Job Placement Agency if there is one in the area designated by the Refugee Job Placement Agency, or with Job Service if there is no Refugee Job Placement Agency.

b) After registration is completed, a nonexempt individual is required to participate by:

- 1) continuing employment;
- 2) responding to an appropriate job referral (see subsection Section ~~115-34~~ (c) of this Section below);
- 3) accepting an appropriate offer of employment (see subsection Section-115-34 (c) of this Section below);
- 4) participating in English language training if working less than 100 hours per month if available and appropriate as determined by

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VOLAG; and

- 5) participating in job skill training if working less than 100 hours per month if available and appropriate as determined by VOLAG.

c) Appropriate work training must meet the following criteria:

- 1) Work may be temporary, permanent, full time, part time or seasonal.
- 2) The wage shall meet or exceed the Federal and State minimum wage of ~~54.25-an-hour~~ or the sub-minimum training wage of ~~53.75-an hour~~ for persons under age 18.
- 3) The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation (as defined at Section 1 et seq. of the "Eight Hour Work Day Act" [820 ILCS 145] ~~1991r--1991r--ch--48--par--1-et-seq.~~).
- 4) Based on an assessment of the client's educational background, employment history and training, the job or training assignment must be within the physical and mental capability of the individual to perform the task on a regular basis.
- 5) The total daily commuting time to and from the work or training site shall not exceed two hours. This does not include time required to take a child to and from a child care facility.
- 6) The work or training site to which the individual is assigned must not have been cited by the appropriate regulatory agency as having violated Federal, State, or local health and safety standards.

(Source: Amended at 25 Ill. Reg. 8763-3 effective 8-1-91)

Section 115.36 Refugee Resettlement Program: Individuals Exempt From Mandatory Work Registration/Participation Requirements

An individual is exempt from work registration/participation requirements when that individual is:

- a) a child in the case ~~age-16-or-17-in-full-time--elementary--grades--9 through-12-or-equivalent-vocational/technical-school-attendance--age-18-and-expected-to-complete-an-educational-program-before-reaching age-19.~~
- b) a person who is ill, incapacitated, or age 60 or 65-and over;
- c) a person whose presence in the home is required because of illness or incapacity of another member of the household;
- d) the parent or other caretaker (as defined at 89 Ill. Adm. Code 101) of a child under the age of one 6 who is caring for the child; or
- e) employed full time (i.e., 30 hours or more per week).

AGENCY NOTE: Full time college students age 18 or over are not eligible for cash assistance. (Individuals attending job skill training or English language classes expected to last less than one year are not considered full time college students).

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AGENCY NOTE: Inability to speak English does not make the refugee exempt from work registration/participation requirements.

(Source: Amended at 25 Ill. Reg. 8763-3, effective 8-1-91)

Section 115.38 Refugee Resettlement Program: Sanctions For Failure to Cooperate With Work Requirements

- a) A nonexempt recipient who, without good cause, quits an appropriate job, refuses to apply for an appropriate job or refuses to accept an appropriate offer of employment will have his/her case cancelled or will be deleted from the assistance unit, as appropriate. The person and is ineligible for Refugee cash assistance until he/she registers for work and requests restored benefits for a ~~sanction-period-of-three (3)-payment-months~~ for the first failure to cooperate, and For the second failure to cooperate, the person is ineligible for ~~six (6) payment months~~ or until he or she cooperates, whichever is longer. For the third failure to cooperate, the person is ineligible for the remainder of the RRP period ~~for-subsequent-failures-to-cooperate~~. An employable recipient working less than 100 hours per month must participate in English language training or skill training if it is available and appropriate as determined by VOLAG, or be sanctioned ~~for--three--(3)--payment-months-for-the-first-failure-to-cooperate--and for--six--(6)--payment-months-for-subsequent-failures-to-cooperate--~~. The sanction will begin on the first day of the next fiscal month.
- b) Following the sanction period, assistance cannot be restored until the client applies for assistance and registers with the Refugee Job Placement Agency or Job Service. The client can register with the Refugee Job Placement Agency or with Job Service ~~up to 30 days before on-the-day-following the last day of the sanction period.~~
- c) The Refugee Job Placement Agency and the Voluntary Sponsoring Agency have primary responsibility for determining when a refugee has quit an appropriate job, refused to apply for an appropriate job or refused job skill training or English language training. However, if the local office becomes aware that a client has quit a job, refused to apply for a job, refused to accept a job or refused training, the local office must make the decision regarding appropriateness of job or training and make the decision to sanction if reconciliation is not successful.

(Source: Amended at 25 Ill. Reg. 8763-3, effective 8-1-91)

Section 115.40 The Cuban/Haitian/Entrant (Status Pending) Program (Repealed)

- a) The Cuban/Haitian-Entrant-(Status-Pending)-Program-(CHEP)-provides-for the--authorization--of--assistance--(financial-and-medical)--for--eligible

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needy-Cuban-and-Haitian-entrants-(Status-Pending)-including-applicants for-asylum-and-parolees-issued-documentation-on-or-after-April-21-1980.

- b) Assistance--is--limited-to-a-period-of-time-established-by-the-federal government-based-on-available-federally-appropriated-funds--for--the year---the-period-of-time-begins-with-the-date-the-entrant-is-granted parole-or-is-otherwise-issued-documentation--by--the--immigration-and Naturalization--Service---Cuban/Haitian--Entrants--or--applicants--for asylum--who--have-been-admitted-or-paroled-into-the-United-States--more than-the-established-period-of-time-may-be-eligible-for--State--Family and-Children-Assistance-or-Transitional-Assistance.
- c) A--child--born--to--Cuban-or-Haitian-entrant-parents--may-be-included-in the-assistance-unit-even-though-the-child-was-born-in--the--U.S.--as long-as-both-parents-are-Cuban-or-Haitian-entrants.

(Source: Repealed; at 25 Ill. Reg. 8763-3, effective 8-1-83)

Section 115.50 The Repatriate Program

- a) The Repatriate Program provides for the authorization of assistance (financial and medical) for eligible needy U.S. citizens and their dependents who have been returned to the U.S. from a foreign country by the U.S. Department of State because of destitution, illness, war, threat of war, invasion or other crisis.
- b) To be eligible for assistance under the Repatriate Program, an individual or family must have been referred to the Department by U.S. Department of Health and Human Services. The local office is responsible for determination of financial eligibility.
- c) Assistance shall be authorized on the basis of the TANF APBE Payment level. The following case compositions define the level of issuance:

- 1) single adult (age 18 or older);
- 2) families of adults;
- 3) adult or adults with child or children; or
- 4) child or children only.

- d) Resources to be considered in all situations are those immediately available for use at the time financial assistance is needed. Available resources are to be considered when they are in existence, the value is ascertainable, they are under the control of the recipient and can be drawn upon for maintenance.

- e) Assistance may not ordinarily be furnished for more than 90 days. If an individual is handicapped in attaining self-support for such reasons as age, disability, or lack of vocational preparation, authorization of a maximum of nine months additional assistance may be requested from the Department of Health and Human Services. The person requesting assistance is expected to repay the amount of the assistance when financially able to do so. Case records and case recordings shall be maintained.

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(Source: Amended at 25 Ill. Reg. 8763-3, effective 8-1-83)

Section 115.60 Special Provisions Relating to Parolees

- a) Where appropriate, federal governmental officials provide that parolees (aliens not otherwise admissible who have been paroled into the U.S. by the discretion of the U.S. government) may be found eligible for all benefits available to refugees in the RRP. Aliens paroled into the U.S. are considered living in the U.S. under color of law.

- b) As--of--the--effective--date--of--this--rule--The the following federally funded programs have been so specifically designated by appropriate federal officials:

- 1) TANF Cash and Medical APBE-MAG-and-MANG
- 2) Food Stamps
- 3) AABD MAG and MANG
- 4) General Assistance
- 5) Cuban/Haitian-Entrant-Program

(Source: Amended at 25 Ill. Reg. 8763-3, effective 8-1-83)

DEPARTMENT OF PUBLIC AID

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1) Heading of the Part: Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

2) Code Citation: 89 Ill. Adm. Code 149

3) Section Numbers: 149.75
Adopted Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendment: July 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 23, 2001 (25 Ill. Reg 4116)

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences Between Proposal and Final Version: In subsection (d)(1), "June 1, 2001" has been changed to "July 1, 2001".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace any emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendment: These amendments eliminate coding attestation requirements that are currently a condition for payment for inpatient services under the DRG Prospective Payment System. Hospitals retain coding attestations on file, signed by the Health Information Management Director, that certify the accuracy and completeness of procedures and diagnoses based upon medical record contents. After the Health Care Financing Administration discontinued requirements for such procedures for Medicare discharges in 1995, the Department retained coding attestation requirements for accountability purposes and because attestations have the potential to be useful in pursuing fraud investigations. However, a review of these procedures shows that coding

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attestations have not been used in any investigations. Because of this, and because attestation requirements place an unnecessary burden on hospitals, these requirements are being eliminated.

16) Information and questions regarding this adopted amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 149

DIAGNOSIS RELATED GROUPING (DRG) PROSPECTIVE PAYMENT SYSTEM (PPS)

Section	
149.5	Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
149.10	Applicability of Other Provisions
149.25	General Provisions
149.50	Hospital Services Subject to and Excluded from the DRG Prospective Payment System
149.75	Conditions for Payment Under the DRG Prospective Payment System
149.100	Basic Methodology for Determining DRG Prospective Payment Rates
149.105	Payment For Outlier Cases
149.125	Special Treatment of Certain Facilities
149.140	Methodology for Determining Primary Care Access Health Care Education Payments (Repealed)
149.150	Payments to Hospitals Under the DRG Prospective Payment System
149.175	Payments to Contracting Hospitals (Repealed)
149.200	Admitting and Clinical Privileges (Repealed)
149.205	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Repealed)
149.225	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Repealed)
149.250	Contract Monitoring (Repealed)
149.275	Transfer of Recipients (Repealed)
149.300	Validity of Contracts (Repealed)
149.305	Termination of ICARE Contracts (Repealed)
149.325	Hospital Services Procurement Advisory Board (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 140.940 thru 140.972 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. at 12095, effective July 15, 1988; amended at 13 Ill. Reg. 554, effective January 1, 1989; amended at 13 Ill. Reg. 15070, effective September 15, 1989; amended at 15 Ill. Reg. 1826, effective January 28, 1991; emergency amendment at 15 Ill. Reg. 16308, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6195, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11937, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14733, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19868, effective December 7, 1992; amended at 17 Ill. Reg. 3217, effective March 1, 1993; emergency amendment at 17 Ill. Reg. 17275, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3378, effective February 25,

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1994; amended at 19 Ill. Reg. 10674, effective July 1, 1995; amended at 21 Ill. Reg. 2238, effective February 3, 1997; emergency amendment at 22 Ill. Reg. 13064, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19866, effective October 30, 1998; amended at 25 Ill. Reg. 8775, effective July 1, 2004.

Section 149.75 Conditions for Payment Under the DRG Prospective Payment System

a) General Requirements

1) A hospital must meet the conditions of this Section to receive payment under the DRG PPS for inpatient hospital services furnished to persons receiving coverage under the Medicaid Program.

2) If a hospital fails to comply fully with these conditions with respect to inpatient hospital services furnished to one or more Medicaid clients, the Department may, as appropriate:

- Withhold Medicaid payment (in full or in part) to the hospital until the hospital provides adequate assurances of compliance; or
- Terminate the hospital's Provider Agreement pursuant to 89 Ill. Adm. Code 140.16.

b) Hospital Utilization Control. Hospitals and distinct part units that participate in Medicare (Title XVIII) must use the same utilization review standards and procedures and review committee for Medicaid as they use for Medicare. Hospitals and distinct part units that do not participate in Medicare (Title XVIII) must meet the utilization review plan requirements in 42 CFR, Ch. IV, Part 456 (October 1, 1999), Subparts E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-33, E-34, E-35, E-36, E-37, E-38, E-39, E-40, E-41, E-42, E-43, E-44, E-45, E-46, E-47, E-48, E-49, E-50, E-51, E-52, E-53, E-54, E-55, E-56, E-57, E-58, E-59, E-60, E-61, E-62, E-63, E-64, E-65, E-66, E-67, E-68, E-69, E-70, E-71, E-72, E-73, E-74, E-75, E-76, E-77, E-78, E-79, E-80, E-81, E-82, E-83, E-84, E-85, E-86, E-87, E-88, E-89, E-90, E-91, E-92, E-93, E-94, E-95, E-96, E-97, E-98, E-99, E-100, E-101, E-102, E-103, E-104, E-105, E-106, E-107, E-108, E-109, E-110, E-111, E-112, E-113, E-114, E-115, E-116, E-117, E-118, E-119, E-120, E-121, E-122, E-123, E-124, E-125, E-126, E-127, E-128, E-129, E-130, E-131, E-132, E-133, E-134, E-135, E-136, E-137, E-138, E-139, E-140, E-141, E-142, E-143, E-144, E-145, E-146, E-147, E-148, E-149, E-150, E-151, E-152, E-153, E-154, E-155, E-156, 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c) Medical Review Requirements: Admissions and Quality Review

Hospital utilization review committees, a subgroup of the utilization review committee, or the hospital's designated professional review organization (PRO) shall review, on an ongoing basis, the following:

- The medical necessity, reasonableness and appropriateness of inpatient hospital admissions and discharges.
- The medical necessity, reasonableness and appropriateness of inpatient hospital care for which additional payment is sought under the outlier provisions of Section 149.105.
- The validity of the hospital's diagnostic and procedural information.
- The completeness, adequacy and quality of the services furnished in the hospital.
- Other medical or other practice with respect to program participants or billing for services furnished to program participants.

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d) Medical Review Requirements: DRG Validation

1) Coding attestation. Beginning with admissions on or after March 1, 1997, and ending with admissions on or after June 1, 2001, the Health Information Management Director (Medical Records) or his or her designee(s) within the Health Information Management Department must, shortly before, at, or shortly after discharge (but before a claim is submitted), attest to the principal and secondary diagnoses, and major procedures as indicated in the medical record. Below the diagnostic and procedural information, and on the same page, the following statement must immediately precede the signature of the Health Information Management Director or his or her designee(s) within this Department: "I certify that the ICD-9-CM coding of principal and secondary diagnoses and the major procedures performed are accurate and complete based on the contents of the medical record, to the best of my knowledge." The name of the person signing the attestation must be typed or clearly printed and appear on the same page as the signature.

2) DRG Validation. The Department or its designee may require and perform prepayment review and/or postpayment review of specific diagnosis and procedure codes.

3) Sample Reviews

A) The Department, or its designee, may review a random sample of discharges to verify that the diagnostic and procedural coding, submitted by the hospital and used by the Department for DRG assignment, is substantiated by the corresponding medical records.

B) Code validation must be done on the basis of a review of medical records and, at the Department's discretion, may take place at the hospital or away from the hospital site.

4) Revision of Coding

A) If the diagnostic and procedural information, in compliance with the coding attestation requirements in subsection (d)(1) of this Section, attested to by the Health Information Management Director or his or her designee, within the Health Information Management Department, is found to be inconsistent with the hospital's coding, the hospital shall be required to provide the appropriate coding and the Department shall recalculate the payment on the basis of the revised coding.

B) If the information, in compliance with the coding attestation requirements in subsection (d)(1) of this Section, attested to by the Health Information Management Director or his or her designee, within the Health Information Management Department, as stipulated under subsection (d)(4)(A) above is found not to be consistent with the medical record, the hospital shall be required to provide the appropriate coding and the Department shall

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e) Medical Review Requirements: The Department, or its designee, may conduct pre-admission, concurrent, pre-payment, and/or post-payment reviews of:

1) The medical necessity, reasonableness and appropriateness of inpatient hospital admissions and discharges.

2) The quality and/or the nature of the utilization of health services.

3) The medical necessity, reasonableness and appropriateness of inpatient hospital care for which additional payment is sought under the outlier provisions of Section 149.105.

4) The validity of the hospital's diagnostic and procedural information.

5) The completeness, adequacy and quality of the services furnished in the hospital.

6) Other medical or other practices with respect to program participants or billing for services furnished to program participants.

f) Hospitals shall be notified at least 30 days in advance of any pre-admission, concurrent, or pre-payment review requirements imposed by the Department.

g) Denial of Payment as a Result of Admissions, Length of Stay, Transfers and Quality Review

1) If the Department determines that a hospital has misrepresented admissions, length of stay, discharges, or billing information, or has taken an action that results in the unnecessary admission or inappropriate discharge of a program participant, unnecessary multiple admissions of a program participant, unnecessary transfer of a program participant, or other inappropriate medical or other practices with respect to program participants or billing for services furnished to program participants, the Department may, as appropriate:

A) Deny payment (in whole or in part) with respect to inpatient hospital services provided with respect to such an unnecessary admission, inappropriate length of stay or discharge, subsequent readmission or transfer of an individual.

B) Require the hospital to take action necessary to prevent or correct the inappropriate practice.

C) Perform prepayment review in accordance with 89 Ill. Adm. Code 148.240(c).

2) When payment with respect to the discharge of an individual patient is denied by the Department, or its designee, under subsection (g)(1)(A) of this Section above, a reconsideration will be provided within 30 days, upon the request of a practitioner or provider, if such request is the result of the designee's own medical necessity or appropriateness of care denial determination and is received within 60 days after the

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Advisory Notice. The date of the Advisory Notice is counted as day one.

- 3) A determination under subsection (g)(1) of this Section above, if it is related to a pattern of inappropriate admissions, length of stay and billing practices that has the effect of circumventing the prospective payment system, may result in actions specified in subsection (a)(2) of this Section above.

h) Furnishing of Inpatient Hospital Services Directly or Under Other Arrangements

- 1) The applicable payments made under the PPS are payment in full for all inpatient hospital services other than for the services of non hospital-based physicians to individual program participants and the services of certain hospital-based physicians as described in subsections (h)(1)(B)(i) through (h)(1)(B)(v) of this Section below.

A) Hospital-based physicians who may not bill separately on a fee-for-service basis

- i) A physician whose salary is included in the hospital's cost report for direct patient care may not bill separately on a fee-for-service basis.
- ii) A teaching physician who provides direct patient care may not bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution includes a component for treatment services.

B) Hospital-based physicians who may bill separately on a fee-for-service basis

- i) A physician whose salary is not included in the hospital's cost report for direct patient care may bill separately on a fee-for-service basis.
- ii) A teaching physician who provides direct patient care may bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution does not include a component for treatment services.
- iii) A resident may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she is permitted to and does bill private patients and collect and retain the payments received for those services.
- iv) A hospital-based specialist who is salaried, with the cost of his or her services included in the hospital reimbursement costs, may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she may charge for professional services and do, in fact, bill private patients and collect and retain the payments received.
- v) A physician holding a non teaching administrative or

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staff position in a hospital or medical school may bill separately on a fee-for-service basis to the extent that he or she maintains a private practice and bills private patients and collects and retains payments made.

- 2) Charges are to be submitted on a fee-for-service basis only when the physician seeking reimbursement has been personally involved in the services being provided. In the case of surgery, it means presence in the operating room, performing or supervising the major phases of the operation, with full and immediate responsibility for all actions performed as a part of the surgical treatment.

(Source: Amended at 25 Ill. Reg.

8775, effective

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1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: Adopted Action:
120.20 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 91-0699

5) Effective Date of Amendment: July 1, 2001

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 13, 2001 (25 Ill. Reg. 5244)

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences Between Proposal and Final Version: There are no substantive differences.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace any emergency amendments currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendment: This amendment responds to Public Act 91-0699 regarding the income standard for eligibility under the Medical Assistance Program. The MANG (MABD) eligibility standard is being increased to 85 percent of the Federal Poverty Level. These changes pertain to eligibility for medical benefits for public assistance clients who are aged, blind and disabled. The Department anticipates that these changes will result in a budgetary increase during fiscal year 2002 of approximately \$48.5 million.

16) Information and questions regarding this adopted amendment shall be directed to:

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Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70 Supplementary Medical Insurance Benefits (SMTB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)

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120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program (Repealed)
120.91 Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200 Elimination of Aid to the Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)
120.240 Unearned Income In-Kind (Repealed)
120.245 Earmarked Income (Repealed)
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
120.255 Protected Income (Repealed)
120.260 Earned Income (Repealed)
120.261 Budgeting Earned Income (Repealed)
120.262 Exempt Earned Income (Repealed)
120.270 Recognized Employment Expenses (Repealed)
120.271 Income From Work/Study/Training Program (Repealed)
120.272 Earned Income From Self-Employment (Repealed)
120.273 Earned Income From Roomer and Boarder (Repealed)
120.275 Earned Income In-Kind (Repealed)
120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
120.280 Assets (Repealed)
120.281 Exempt Assets (Repealed)

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120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)
SUBPART H: MEDICAL ASSISTANCE - NO GRANT	
Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
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120.342	Court Ordered Child Support Payments of Parent/Step-Parent
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
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120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
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120.384	Spend-down of Assets (AABD MANG)
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120.386	Property Transfers Occurring On or Before August 10, 1993
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120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility
120.400	Twelve Month Eligibility for Persons under Age 19
TABLE A	Value of a Life Estate and Remainder Interest
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AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].	
SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg.	

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38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903,

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effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg.

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10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective _____.

SUBPART B: ASSISTANCE STANDARDS

Section 120.20 MANG(AABD) Income Standard

- a) The monthly countable income standard is 85.70 percent of the Federal Poverty Level Income Guidelines, as published annually in the Federal Register, for the appropriate family size.
- b) A client receiving care in a public tuberculosis hospital is not considered to be receiving long term care. Such a client's financial

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eligibility for MANG is determined by use of the Aid to the Aged, Blind or Disabled MANG(AABD) Income Standard.
c) The MANG(AABD) Income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home or facility which is not licensed as a medical care facility or as a sheltered care facility. The cost of maintenance and/or care in such a facility is not an allowable medical expense. Regardless of the amount the client may be paying for care and/or maintenance in the facility, the client's nonexempt income and assets in excess of the MANG(AABD) Standard are considered available for payment for medical care not provided in the facility.

d) MANG

- 1) A recipient residing in a Department of Human Services (DHS) State psychiatric hospital or developmental center is allowed \$30 per month in lieu of any other MANG standard.
- 2) As soon as MANG(AABD) clients become residents of a DHS facility (see subsection (d)(1) of this Section), a skilled nursing facility, an intermediate care facility, or other facility, their eligibility for MANG is determined separately from persons remaining in the home.
- 3) When eligibility is based on being temporarily discharged from a DHS facility (see subsection (d)(1) of this Section) for the purpose of obtaining medical care in a general hospital, the amount which the recipient is obligated to pay DHS for care and maintenance is to be allowed in addition to the \$30.00.
- 4) Clients in a long term facility are allowed deductions from their non-SSI income to meet the needs of their community spouse, dependent family members and dependent children under the age of 21 years who do not reside with the community spouse. Family members include dependent children under the age of 21 years, dependent adult children, dependent parents or dependent siblings of either spouse; who reside with the spouse in the community. To calculate the amount of non-SSI income to be deducted, use the:

- A) Community Spouse Maintenance Needs Allowance (as described at Ill. Adm. Code 120.61) if the deduction is for a spouse in the community;
- B) Family Maintenance Needs Allowance (as described in Ill. Adm. Code 120.61), if the deduction is for dependent family members residing with the community spouse; and
- C) Temporary Assistance for Needy Families (TANF) cash grant standard if the deduction is for dependent children under the age of 21 years who do not reside with the community spouse.

(Source: Amended, 2001, 25 Ill. Reg. 8783, effective _____)

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indicated in the agreements issued by JCAR? Yes

- 13) Will this amendment replace emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

140.400	Amendment	March 16, 2001 (25 Ill. Reg. 3806)
140.435	Amendment	March 16, 2001 (25 Ill. Reg. 3806)
140.436	Amendment	March 16, 2001 (25 Ill. Reg. 3806)
140.475	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.476	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.477	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.478	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.479	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.480	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.494	Amendment	August 4, 2000 (24 Ill. Reg. 11539)
140.850	Amendment	April 20, 2001 (25 Ill. Reg. 5600)
140.855	Amendment	April 20, 2001 (25 Ill. Reg. 5600)

- 15) Summary and Purpose of Amendment: These amendments add several changes to the Department's rules concerning screening assessments and nursing facility (NF) placements for Medicaid supported persons.

The Department is eliminating use of the physician certification date as an option for the begin date of Medicaid payment. Currently, if the physician certification requirement is met after the effective date of Medicaid eligibility, payment will begin on the date of physician certification. Since federal regulations do not require this use of the physician certification date, Section 140.642 is being revised to reflect the start of Medicaid payment in most cases as the effective date of Medicaid eligibility or the date of admission if Medicaid eligibility has already been established. Several other payment circumstances are described in the amendments. Physician certification will continue to be required prior to the authorization of Medicaid payments for NF services pursuant to federal regulations at 42 CFR 456.360.

Under the amendments, requirements concerning annual resident reviews (ARR) are also being eliminated. These reviews are conducted annually as federally required to validate the level of services needed by persons with a developmental disability or severe mental illness who reside in NFs. However, amendments to Section 1919(e)(7) of the Social Security Act, as a result of Public Law 104-315, have removed ARR requirements.

Several other changes eliminate certain exceptions to screening assessments and provide language updates and clarifications.

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- 1) Heading of the Part: Medical Payment

- 2) Code Citation: 89 Ill. Adm. Code 140

- 3) Section Number: Adopted Action:
140.642 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

- 5) Effective Date of Amendment: July 1, 2001

- 6) Does this amendment contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: March 2, 2001 (25 Ill. Reg. 3190)

- 10) Has JCAR issued a Statement of Objection to this amendment? No

- 11) Differences Between Proposal and Final Version:

In subsection (a), new text has been added after the first sentence, as follows:

Any individual, except those identified in subsection (c) of this Section, who is seeking admission to a nursing facility that operates under the Hospital Licensing Act [210 ILCS 85] must be screened to determine his or her need for those services except when Medicaid funds will not be used for nursing facility services for any part of the stay.

The last sentence of subsection (a) has been revised to read, "For the purposes of this Section, "nursing facility" or "facility" means a location . . .".

The first sentence of subsection (b)(1) has been revised to read, "The level I ID Screen is the first phase of the preadmission screening process for nursing facility services described in subsection (a) of this Section."

No other substantive changes have been made to the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as

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16) Information and questions regarding this adopted amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited

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140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
 140.55 Recipient Eligibility Verification (REV) System
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 Voucher Advance Payment and Expedited Payments
 140.72 Drug Manual (Recodified)
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 Hospital Services Trust Fund
 140.95 General Requirements (Recodified)
 140.96 Special Requirements (Recodified)
 140.97 Covered Hospital Services (Recodified)
 140.98 Hospital Services Not Covered (Recodified)
 140.99 Limitation On Hospital Services (Recodified)
 140.100 Transplants (Recodified)
 140.101 Heart Transplants (Recodified)
 140.102 Liver Transplants (Recodified)
 140.103 Bone Marrow Transplants (Recodified)
 140.104 Disproportionate Share Hospital Adjustments (Recodified)
 140.110 Payment for Inpatient Services for GA (Recodified)
 140.116 Hospital Outpatient and Clinic Services (Recodified)
 140.117 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.200 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.201 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.202 Limits on Length of stay by diagnosis (Recodified)
 140.203 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)

140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services

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140.429 Limitations on Chiropractic Services (Repealed)
 140.430 Independent Clinical Laboratory Services
 140.431 Services Not Covered by Independent Clinical Laboratories
 140.432 Limitations on Independent Clinical Laboratory Services
 140.433 Payment for Clinical Laboratory Services
 140.434 Record Requirements for Independent Clinical Laboratories
 140.435 Nurse Services
 140.436 Limitations on Nurse Services
 140.437 Imaging Centers
 140.438 Pharmacy Services
 140.440 Pharmacy Services Not Covered
 140.441 Prior Approval of Prescriptions
 140.442 Filling of Prescriptions
 140.443 Compounded Prescriptions
 140.444 Legend Prescription Items (Not Compounded)
 140.445 Over-the-Counter Items
 140.446 Reimbursement
 140.447 Returned Pharmacy Items
 140.448 Payment of Pharmacy Items
 140.449 Record Requirements for Pharmacies
 140.450 Prospective Drug Review and Patient Counseling
 140.451 Mental Health Clinic Services
 140.452 Definitions
 140.453 Types of Mental Health Clinic Services
 140.454 Payment for Mental Health Clinic Services
 140.455 Hearings
 140.456 Therapy Services
 140.457 Prior Approval for Therapy Services
 140.458 Payment for Therapy Services
 140.459 Clinic Services
 140.460 Clinic Participation, Data and Certification Requirements
 140.461 Covered Services in Clinics
 140.462 Clinic Service Payment
 140.463 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
 140.464 Speech and Hearing Clinics (Repealed)
 140.465 Rural Health Clinics
 140.466 Independent Clinics
 140.467 Hospice
 140.468 Home Health Services
 140.470 Home Health Covered Services
 140.471 Types of Home Health Services
 140.472 Prior Approval for Home Health Services
 140.473 Payment for Home Health Services
 140.474 Medical Equipment, Supplies and Prosthetic Devices
 140.475 Will Not Be Made
 140.476 Limitations on Equipment, Supplies and Prosthetic Devices
 140.477 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
 140.478

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140.479 Limitations, Medical Supplies
 140.480 Equipment Rental Limitations
 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
 140.482 Family Planning Services
 140.483 Limitations on Family Planning Services
 140.484 Payment for Family Planning Services
 140.485 Healthy Kids Program
 140.486 Limitations on Medichex Services (Repealed)
 140.487 Healthy Kids Program Timeliness Standards
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
 140.490 Medical Transportation
 140.491 Limitations on Medical Transportation
 140.492 Payment for Medical Transportation
 140.493 Payment for Helicopter Transportation
 140.495 Psychological Services
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days;

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amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140-71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table A and 147.205 Table B at 12

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Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended

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at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993;

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emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 18988, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill.

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Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8703, effective 11/1/2001.

SUBPART E: GROUP CARE

Section 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services

- a) Beginning July 1, 1996, any individual, except those identified in subsection (c) of this Section, seeking admission to a nursing facility licensed under the Nursing Home Care Act [210 ILCS 45] for nursing facility services must be screened prior to admission to determine his or her need for those services pursuant to this Section. Any individual who has been admitted to a nursing facility that operates under the Hospital Licensing Act [210 ILCS 85] or under Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35] whose actual length of stay in such a facility exceeds 21 days shall be screened to determine the individual's need for continued nursing facility services. Any individual, except those identified in subsection (c) of this Section, who is seeking admission to a nursing facility that operates under the Hospital Licensing Act [210 ILCS 85] must be screened prior to admission to determine his or her need for those services except when Medicaid funds will not be used for nursing facility services for any part of the stay. For the purposes of this Section, "nursing facility" or "facility" means a location licensed under the Nursing Home Care Act [210 ILCS 45] or the Hospital Licensing Act as a skilled nursing facility or an intermediate care nursing facility or a location certified to participate in the Medicare program under Title XVIII of the Social Security Act [42 U.S.C. 301 et seq.] or the Medicaid program under Title XIX of the Social Security Act.
- b) Screening Assessment

- 1) The Level I ID Screen is the first phase of the preadmission screening process for nursing facility services described in subsection (a). The Level I ID Screen is conducted to determine if there is a reasonable basis for suspecting that an individual has developmental disabilities (DD), as defined in subsection (b)(1)(A) of this Section below, or severe mental illness (MI),

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as defined in subsection (b)(1)(B) of this Section below. This determination is required to assure that individuals with DD or severe MI are placed into settings which provide the services they require. Entities authorized to complete the Level I ID Screen are agents of DPA, Department of Human Services (DHS) Mental Health and Developmental Disabilities (BMHDB), Department on Aging (DoA), Department of Rehabilitation Services (DORS), Department of Public Health (DPH), hospitals or nursing facilities.

- A) A developmental disability is a disability that is attributable to a diagnosis of mental retardation (mild, moderate, severe, profound, unspecified), or a related condition. A related condition means the individual has been diagnosed as having infantile autism, infantile cerebral palsy or epilepsy, and this condition is manifested before the age of 22; is likely to continue indefinitely; and results in substantial functional limitations in three or more of the following areas of major life activity:
- i) self-care;
 - ii) understanding and use of language;
 - iii) learning;
 - iv) mobility;
 - v) self-direction;
 - vi) capacity for independent living.
- B) An individual is considered to have a severe mental illness if he or she has one of the following diagnoses: schizophrenia; delusional disorder; schizoaffective disorder; psychotic disorder not otherwise specified; bipolar disorder I - mixed, manic, and depressed; bipolar disorder II; cyclothymic disorder; bipolar disorder not otherwise specified; major depression, recurrent; and due to their mental illness exhibits resulting substantial functional limitations in at least two of the following areas:
- i) self-maintenance;
 - ii) social functioning;
 - iii) community living activities;
 - iv) work related skills.
- 2) If the Level I ID Screen indicates that an individual may have DD or severe MI, a comprehensive assessment, the Level II assessment, except as defined in subsection (b)(7) of this Section, is conducted by BMHDB-designated preadmission screening (PAS) agents designated by DHS-Office of Developmental Disabilities or DHS-Office of Mental Health, whichever is applicable, concerning the need for nursing facility services and the need for specialized services.
- 3) If the Level I ID Screen does not identify a reasonable basis for suspecting DD or severe MI, the individual is referred to DoA

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(individuals 60 years of age or older) or DHS - Office of Rehabilitation Services BERS (individuals 18 through 59 years of age) for a Determination of Need to assess the need for nursing facility services.

4) For applicants of Medicaid services who are already residing in the facility and were admitted after June 30, 1996, the Department will review and evaluate a copy of the most recent Minimum Data Set (MDS) resident assessment instrument. The Department will refer to DoA-BERS or DHSBMHBP, as appropriate, any light need resident who appears to be a potential candidate for community placement.

5) A screening assessment is valid for 90 calendar days from the date of the assessment. For individuals with DD or severe MI, an existing Level II assessment may remain valid after 90 calendar days when the designated BMHBP PAS agent updates any component of the assessment which is not current, and confirms the validity of the assessment as reliably reflecting the status of the individual.

6) Due to exceptional circumstances, an individual identified as having DD or MI, following a Level I ID Screen, may be determined to need nursing facility services. The individual with exceptional circumstances must then receive a Level II assessment to determine the individual's need for specialized services related to placement in a nursing facility, except in the specific circumstances noted in subsection (b)(7) of this Section. Exceptional circumstances include, but are not limited to:

- A) terminal illness with a life expectancy of six months or less; and
 - B) convalescent care (a medically prescribed period of recovery, following acute care, not to exceed 120 calendar days); and
 - C) severe physical illnesses, such as coma, ventilator dependence, functioning at brain stem level or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure; and
 - D) a diagnosis of dementia, including Alzheimer's disease or a related disorder, in the case of the individual with DD.
- Level II assessment exemption. Some individuals with DD or severe MI may be admitted to a nursing facility without receiving a Level II assessment to determine the need for specialized services by a designated BMHBP PAS agent. Individuals exempt from a Level II assessment for specialized services are provisional admissions pending further assessment in cases of delirium where an accurate diagnosis cannot be made until the delirium clears. In all other cases, a determination that specialized services are not needed must be based on a Level II

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assessment.

8) Screening agents shall present alternatives to institutional placement, and inform individuals of alternative settings before placement into a nursing facility.

9) Non-Medicaid supported individuals who choose to be admitted into a nursing facility when the screening assessment does not justify nursing facility placement will not be denied access to the facility.

c) A screening assessment does not apply to an individual who:

- 1) is receiving or will be receiving sheltered care services; or
- 2) transfers from one facility to another, with or without an intervening hospital stay. It is the transferring facility's responsibility to ensure that copies of the resident's most recent screening assessment accompany the transferring resident; or
- 3) resided in a facility for a period of at least 60 days and is returning to a facility after an absence of not more than 60 days; or
- 4) is receiving or will be receiving hospice services; or
- 5) ~~is admitted to a nursing facility from the community for respite care for a period of no more than 15 days; or~~
- 6) ~~is admitted to a continuing care retirement community with which the individual has a life care contract; or~~
- 57) is readmitted to a facility after a therapeutic home visit; or
- 68) is readmitted to a facility from a hospital to which he or she was transferred for the purpose of receiving care; or
- 79) resided in the facility on June 30, 1996.

d) Nursing Facility Services

In Illinois, nursing facilities are licensed for intermediate level nursing care and skilled level nursing care. For guidelines to the type of services provided by nursing facilities refer to 77 Ill. Adm. Code 300.Appendix A.

e) Date of Payment

1) No payment for nursing facility services may be made for individuals who:

- A) have been determined eligible or have applied for Medicaid at the point of admission and ~~are admitted on or after duty~~ ~~is~~ ~~1996~~, unless both the screening assessment and a physician's certification, as described in Section 140.514, document a need for such care; or
- B) ~~were residing in the facility on~~ ~~or apply for Medicaid~~ while residing in the facility ~~after June 30, 1996~~, unless a physician's certification documents a need for such care.

2) The date of the physician certification will not be used to determine the begin date of payment; however, the physician certification shall be completed before Medicaid payment is authorized. The begin date of payment will be determined in accordance with subsection (e)(4), (5) or (6) of this Section.

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- whichever is applicable.
- 32) Where the assessment does or the certification do not establish this need, the individual may request that a licensed physician designated by DPA review the medical reports and any other evidence the individual wishes to submit, and certify whether there is a need for nursing facility services in the individual's case. The individual will be notified of the right to this review.
- 43) For an individual whose preadmission screening assessment has and physician's certification have been completed prior to admission and document the individual's need for such services, DPA will begin payment:
- A) on the date of admission if Medicaid eligibility has been established, or
 - B) on the beginning date of Medicaid eligibility if eligibility starts after the date of admission.
- 54) For an individual whose preadmission screening assessment has and physician's certification have not been completed prior to admission, DPA will begin payment on the later of:
- A) the date that the screening assessment requirement is met, or
 - B) the date that the physician certification requirement is met, or
- 65) For an individual who applies for Medicaid after admission to a facility, DPA will begin payment on the later of: A) the date that the physician certification requirement is met, or B) the effective date of Medicaid eligibility.
- f) Annual Resident Review
- All Medicaid-eligible residents found to be MI or BD shall be reviewed by DPA or its agents annually. Annual resident reviews are required by federal regulations found under 42 CFR 403.114. The federally required annual resident review validates the presence of MI or BD and determines whether the individual requires the level of services provided by a nursing facility and whether the individual requires specialized services.
- (Source: Amended at 25 Ill. Reg. 879.3 = , effective 1/24)
- 1) Heading of the Part: Claiming Races
 - 2) Code Citation: 11 Ill. Adm. Code 510
 - 3) Section Numbers: Adopted Action: Amended Section 510.200
 - 4) Statutory Authority: 230 ILCS 5/9(b)
 - 5) Effective Date of Rulemaking: July 1, 2001
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this rulemaking contain incorporations by reference? No
 - 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 781 - 1/19/01
 - 10) Has JCAR issued a Statement of Objection to this amendment? No
 - 11) Differences between proposal and final version: None
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this rulemaking replace an emergency amendment currently in effect? No
 - 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Rulemaking: This rulemaking combines the harness and thoroughbred restrictions
 - 16) Information and questions regarding this adopted amendment shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-5017

The full text of the adopted amendment begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510

CLAIMING RACES

Section	Definition
510.10	Claiming Eligibility
510.20	Form and Deposit of Claim
510.30	Errors which Invalidate Claim
510.40	Refund of Voided Claim
510.50	Prohibited Action with Respect to Claim
510.60	Horses under Lien
510.70	Affidavit May be Required
510.80	Claimant's Responsibility
510.90	Claimed Horse's Certificate
510.100	Engagements of a Claimed Horse
510.110	Protests of a Claim
510.120	Title to a Claimed Horse
510.130	Distribution of the Purse
510.140	Delivery of a Claimed Horse
510.150	Trainer Responsibility for Post-Race Tests
510.160	Excusing Claimed Horse
510.170	Stable Eliminated by Fire or Other Hazard
510.180	Entering Claimed Horse (Repealed)
510.190	Determining Eligibility Dates
510.195	Claimed Horse Racing Elsewhere
510.200	Sale of a Claimed Horse
510.210	Illinois Rules Govern Claimed Horse
510.220	Extension of Regular Meeting (Repealed)
510.230	Claiming Authorization
510.240	Claiming Price
510.250	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective

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September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. 6393, effective May 1, 2001; amended at 25 Ill. Reg. 8814, effective 11/2/01.

Section 510.200 Claimed Horse Racing Elsewhere

- a) ~~For--harness--racing~~ No no claimed horse shall race at any other race track until the close of the race meeting at which it was claimed, or for 60 days, whichever is shorter.
- b) ~~For--thoroughbred--racing--no--claimed--horse--shall--race--at--any--other--race--track--until--the--close--of--the--race--meeting--at--which--it--was--claimed--or--for--60--days--whichever--is--shorter~~
- bc) This Section shall not apply when claimed horses are fulfilling a stakes engagement or have the express written consent, of the race track where they were claimed, to race at another location.

(Source: Amended at 25 Ill. Reg. 8814, effective 11/2/01.)

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Vickie Moseley
IL Securities Dept.
Lincoln Tower, Rm. 200
520 S. Second St.
Springfield, IL 62701
(217)782-2256

1) Heading of the Part: Regulations under Illinois Securities Law of 1953

2) Code Citation: 14 Ill. Adm. Code 130

Section Numbers:	Adopted Action:
130.200	Amended
130.281	Amended
130.838	Amended
130.839	Amended
130.840	Amended
130.841	Amended

4) Statutory Authority: 815 ILCS 5

5) Effective Date of Rulemaking: July 6, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:
3/23/01, 25 Ill. Reg. 4184

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No The emergency rule expired.

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: To register Investment Advisers and Investment Adviser Representatives using the IARD system implemented by the U.S. Securities and Exchange Commission and the NASD and to modify reporting requirements to reflect Revised Form ADV changes. All changes were required by federal actions.

16) Information and questions regarding these adopted amendments shall be directed to:

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 130

REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section

130.100 Business Hours of the Securities Department
130.101 Computation of Time
130.110 Payment of Fees
130.120 Place of Filing
130.130 Date of Filing
130.135 Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140 Requirements as to Proper Form
130.141 Additional Information
130.142 Additional Exhibits (Repealed)
130.143 Information Unknown or Not Reasonably Available
130.144 Requirements as to Paper, Printing, and Language
130.145 Number of Copies--Signatures
130.190 Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section

133.200 Definitions of Terms Used in the Act and the Rules
130.201 Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202 Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205 Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210 Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211 Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
130.212 Definition of Acts Not Constituting An "Offer" Under Section 2.5a of the Act (Testing the Waters)
130.215 Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
130.216 Definition of "Participates" and "Participation", as Used in Section

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130.220 2.6 of the Act in Relation to Certain Transactions
Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)
130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)
130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
130.242 Definition of the Term "Financial Institution" under Section 4.C of the Act
130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(F)(1) 4-F(1) of the Act
130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act
130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act
130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act
130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser or a Federal-Covered-Investment-Adviser, as Used in Section 8 of the Act

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- 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.285 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities Involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

- Section
130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
- 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

- Section
130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
- 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
- 130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act
- 130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
- 130.442 Report of Sale of Securities pursuant to Section 4.G of the Act
- 130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
- 130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

- Section
130.501 Title of Securities
- 130.502 Financial Statement Requirements
- 130.503 Disclaimer of Control
- 130.505 Formal Requirements as to Consents
- 130.506 Consents Required in Special Cases
- 130.507 Application to Dispense with Consent
- 130.508 Consent to Use of Material Incorporated by Reference
- 130.510 Procedures for Registration of Securities by Coordination under Section 5.A of the Act
- 130.520 Procedures for Registration of Securities by Qualification under Section 5.B of the Act

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- 130.525 Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7
- 130.530 Renewal of Registration of Securities Under Section 5.E of the Act
- 130.531 Computation of Fees
- 130.532 Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
- 130.533 Formal Requirements for Amendments Under Section 5 of the Act
- 130.534 Powers to Amend or Withdraw Registration Statement
- 130.535 Signatures of Amendments
- 130.536 Delaying Amendments
- 130.538 Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act
- 130.540 Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments
- 130.550 Additional Fees Under Section 5 of the Act
- 130.570 Legibility of Prospectuses
- 130.571 Presentation of Information in Prospectuses
- 130.572 Summaries or Outlines of Documents
- 130.573 Preparation of Application for Registration
- 130.574 Incorporation of Certain Information by Reference
- 130.575 Form of and Limitation Upon Incorporation by Reference
- 130.576 Statement Required in Prospectuses
- 130.577 Prospectuses Supplementing Preliminary Material Supplied Previously
- 130.578 Application of Amendments to this Part Governing Contents of Prospectuses
- 130.581 Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act
- 130.582 Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act
- 130.590 Identifying Statements
- 130.591 Requirements as to Appraisals
- 130.592 Omission of Substantially Identical Documents
- 130.593 Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

- Section
130.600 Preamble
- 130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act
- 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F of the Act
- 130.650 Additional Fees Under Section 6 of the Act

SUBPART G: INVESTMENT FUND SHARES

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Section
130.700 Preamble
130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act
130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
130.750 Additional Fees Under Section 7 of the Act
130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, AND INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

Section
130.805 Exemptions From Registration as an Investment Adviser Under Section 8.A of the Act
130.806 Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act
130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act
130.811 Procedures for Perfecting an Investment Adviser Exemption Under Section 2.11 of the Act (Repealed)
130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer
130.821 Reporting of Dealer Branch Office Location(s) and Required Fees
130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements
130.824 Financial Statements to be Filed by a Registered Dealer
130.825 Records Required of Dealers and Customer Fees
130.826 Registered Dealer Net Capital Requirements
130.827 Confirmations
130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer
130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act
130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson
130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act

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130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act
130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees
130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D.(9) of the Act Prior to Registration as an Investment Adviser
130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements

130.845 Records Required of Investment Advisers
130.846 Written Disclosure Statements of a Registered Investment Adviser
130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients

130.850 Account Transactions
130.851 Commission, Profit or Other Compensation
130.852 Compensation

130.853 Account Transactions
130.854 Use of the Term "Investment Counsel"

130.850 Additional Fees Under Section 8 of the Act
130.872 Procedure with Respect to Abandoned Dealer Applications
130.873 Procedure with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

Section
130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

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130.1100 Preamble
130.1101 Qualifications and Duties of the Hearing Officer
130.1102 Notice of Hearing
130.1103 Institution of a Contested Case by the Securities Department
130.1104 Requirement to File an Answer
130.1105 Amendment or Withdrawal of the Notice of Hearing
130.1106 Representation
130.1107 Special Appearance
130.1108 Substitution of Parties
130.1109 Failure to Appear
130.1110 Motions

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130.1111 Requirements Relating to Continuances
 130.1112 Rules of Evidence
 130.1113 Form of Papers
 130.1114 Bill of Particulars (Repealed)
 130.1115 Discovery
 130.1116 Examination of Witnesses
 130.1117 Subpoenas
 130.1118 Pre-Hearing Conferences
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 130.1120 Hearings
 130.1121 Record of Proceedings
 130.1122 Record of Hearing
 130.1123 Orders
 130.1124 Burden of Proof
 130.1125 Stipulations
 130.1126 Open Hearings
 130.1127 Corrections to the Transcript
 130.1128 Imposition of Fines
 130.1129 Application for Hearing to Present Newly Discovered Evidence
 130.1130 Failure to Comply With Order or Rules
 130.1131 Application to Vacate an Order Issued Due to Default
 130.1132 Disqualification of a Hearing Officer

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
 130.1520 Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

Section
 130.1661 Investors Syndicate of America, Inc.
 130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section
 130.1701 Inspection of Applications
 130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records
 130.1703 Non-Public Distribution of Information

APPENDIX A Uniform Consent to Service of Process
 APPENDIX B Uniform Application to Register Securities
 APPENDIX C Uniform Application for Broker-Dealer Registration
 APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

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SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency amendment at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg. 8617, effective ~~June 1, 2001~~ ^{July 1, 2001}.

SUBPART B: DEFINITIONS

Section 130.200 Definitions of Terms Used in the Act and the Rules

a) As used in the Act and this part, unless the context otherwise requires, the term:

"Act" means the Illinois Securities Law of 1953⁷ as amended⁷ [815 ILCS 5] and this Part.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating

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to any other kind of security.

"Applicant" means the person making application for registration or exemption.

"Certified", when used in regard to financial statements, means examined and reported upon with an opinion expressed by an independent certified public accountant.

"CFTC" means the Federal Commodity Futures Trading Commission.

"Charter" includes articles of incorporation, a declaration of trust, articles of association or partnership, or any similar instrument, as amended, affecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

"Correspondent" means the person authorized in the application for registration or exemption to receive notices and communications from the Secretary.

"Controlling Person" as used in Section 4.F of the Act shall not include any sponsor of a unit investment trust after the completion of the initial distribution.

"CRD" means the computer registration system for the registration of dealers and salespersons known as the "Central Registration Depository" operated by the NASD.

"Customer", as used in Section 130.270 of this Part, means any person for whom the futures commission merchant effects or intends to effect transactions in futures, options on futures, or any other instruments subject to CFTC jurisdiction.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee, or officer.

"Federal 1933 Act" means the Act of the Congress of the United States known as the Securities Act of 1933 (15 USC H-S-E-77a-77aa)-as-in-effect-on--August--17--1997--(no--subsequent amendments--or--editions).

"Federal 1934 Act" means the Act of Congress of the United States known as the "Securities Exchange Act of 1934" (15 USC H-S-E-78a-78aa)-as-in-effect-on--August--17--1997--(no--subsequent

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amendments--or--editions).

"Federal 1936 Act" means the Act of Congress of the United States known as the Commodity Exchange Act of 1936 (7 USC H-S-E-1 et seq.)-as-in-effect-on--August--17--1997--(no--subsequent amendments--or--editions).

"Federal 1940 Investment Company Act" means the Act of Congress of the United States known as the Investment Company Act of 1940 (15 USC H-S-E-80a-1 through 80a-52)-as-in-effect-on--August--17--1997--(no--subsequent amendments--or--editions).

"Federal 1940 Investment Advisers Act" means the Act of Congress of the United States known as the Investment Advisers Act of 1940 (15 USC H-S-E-80b-1 through 80b-21)-as-in-effect-on--August--17--1997--(no--subsequent amendments--or--editions).

"Federal Banking Act of 1933" means the Federal Banking Act of 1933--(12 USC H-S-E- 227)-and--the--Rules--and--Regulations thereunder--as--in-effect--on--August--17--1997--(no--subsequent amendments--or--editions).

"Federal Covered Investment Adviser Representative covered investment adviser--representative" means any person with a place of business in this State who is an investment adviser representative of a federal covered investment adviser.

"Federal Public Utility Holding Company Act of 1935" means the Federal Public Utility Holding Company Act of 1935--(15 USC H-S-E-subsection 79 through 79z-6)-and--the--Rules--and--Regulations thereunder--as--in-effect--on--August--17--1997--(no--subsequent amendments--or--editions).

"Fiscal Year" means the annual accounting period or, if no accounting period has been adopted, the calendar year ending on December 31.

"Futures" and "Futures Contracts", as used in Section 130.270 of this Part, mean contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market designated by the CFTC or traded on or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Futures Commission Merchants", as used in Section 130.270 of this Part, means individuals, associations, partnerships, corporations and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future

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delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary only after opportunity for a hearing.

"Hearing Officer" means the designee of the Secretary or the Securities Director who, pursuant to Section 11 of the Act, is designated in the Notice of Hearing to preside at a hearing conducted pursuant to Section 11 of the Act or any person so designated as a substitute hearing officer.

"IARD" means the computer web-based registration system for the remittance of investment advisers and investment adviser representatives known as the Investment Adviser Registration Depository operated by the NASD.

"Identifying Statement" means a written or oral communication or advertisement meeting the requirements of Section 130.210(b)(1) of this Part.

"Insolvency" or "Insolvent insolvent" means the inability to pay debts and obligations when due or when current liabilities exceed current assets. Any party regulated by this Part claiming insolvency shall file with the Securities Department a balance sheet prepared as of a current date and executed and verified by the chief financial officer of the issuer.

"Internal Revenue Code" means the Internal Revenue Code of 1986 (26 USC 8-8-1-9602) and the Rules and Regulations thereunder as in effect on August 17, 1997 (no subsequent amendments--or editions).

"Majority-Owned Subsidiary" means a subsidiary more than 50% of whose outstanding securities, which represent the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable investor would consider it important in

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deciding upon a course of action to be taken, including, but without limitation, purchasing, selling or holding the security or securities involved, or accepting or rejecting an offer or proposal made with regard to any security or securities.

"NASD" means the self-regulatory organization registered under the Federal 1934 Act, as defined in this Section, known as the "National Association of Securities Dealers, Inc."

"Nonaccredited Investor", as used in Section 130.420 of this Part, means a person who is not a person set forth in Section 4.C, 4.H, 4.R or 4.S of the Act.

"Office", unless otherwise clarified, refers to the Office of the Securities Department of the Secretary of State, and not to any particular address or location.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function; and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Options on Futures", as used in Section 130.270 of this Part, means puts or calls on a futures contract traded on or subject to the rules of a contract market designated by the CFTC or traded or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Pacific Coast Stock Exchange, Inc." means the Pacific Stock Exchange, Inc.

"Parent" of a specified person means an affiliate controlling such person directly or indirectly through one or more intermediaries.

"Party" means any person named as a petitioner or a respondent in a hearing conducted by the Securities Department.

"Person" means a natural person, a corporation, a partnership, a limited partnership, a limited liability company, a limited liability limited partnership, an association, a joint stock company, a trust or any unincorporated organization, except that, as used in this Section, the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries are a security.

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"Place of Business" of a federal covered investment adviser representative means a location at which the federal covered investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients, and any other location that is held out to the general public as a location at which the investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients.

"Predecessor" means a person, the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) of this Part.

"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which such person is an underwriter.

"Promoter" means any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer; or any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer. However, a person who receives the securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this definition subsection if the person does not otherwise take part in founding and organizing the enterprise.

"Prospectus" means any prospectus, notice, circular, advertisement, letter or communication, written or by radio, television or other communications medium that ~~which~~ offers any security for sale or confirms the sale of any security; except that a communication sent or given after the effective date of the registration of the security (other than a prospectus permitted under Section 10(b) of the Federal 1933 Act ~~as defined in this Section~~) shall not be deemed a prospectus if it is proved that, prior to or at the same time as the communication, a written prospectus, meeting the requirements of Section 10(a) of the Federal 1933 Act ~~as defined in this Section~~ at the time of

the communication, was sent or given to the person to whom the communication was made, and a notice, circular, advertisement, letter or communication in respect to a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of Section 5 of the Act may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Secretary by this Part deems necessary or appropriate in the public interest and for the protection of investors and, subject to such terms and conditions as may be described therein, may permit.

"Regulated Account", as used in Section 130.270 of this Part, means a customer segregation account subject to 17 CFR 1.20 as in effect on August 1, 1997 (no subsequent amendments or editions); provided, however, that, where such regulations do not permit to be maintained in such an account or require to be maintained in a separate regulated account funds or securities in proprietary accounts or funds or securities used as margin for or excess funds related to futures contracts, options on futures or any other instruments subject to CFTC jurisdiction that trade outside the United States, its territories or possessions, the term "regulated account" means such separate regulated account or any other account subject to 17 CFR 1.31 et seq. as in effect on August 1, 1997 (no subsequent amendments or editions).

"Registrant" means the issuer of the securities that which are the subject of the application for registration.

"Rules" refers to all rules adopted by the Secretary pursuant to the Act.

"Share" means a share of stock in a corporation or unit of interest in an unincorporated person.

"SEC" means the United States Securities and Exchange Commission.

"Secretary of State" "or Secretary" means the Secretary of State of Illinois.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

"Securities Department" means the Securities Department of the Office of the Secretary of State.

"Securities Protection Act of 1970" means the Securities Investor Protection Act of 1970 (15 USC 878-6; Sec. 78aaa et seq. ~~as in~~

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indebtedness incurred in the ordinary course of business that which is not overdue and that which matures within one year from the date of its creation, whether evidenced by securities or not.

"Unit Investment Trust" means an investment company which:

- is organized under a trust indenture, agency or custodianship contract or similar instrument, does not have a board of directors; and
- issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities.

The term "unit investment trust" does not include a voting trust.

"Unsolicited Transaction", as used in Section 130.270 of this Part, means a transaction that is not effected in a discretionary account or recommended to a customer by the futures commission merchant, an associated person of a futures commission merchant, a business affiliate that is controlled by, controlling, or under a common control with the futures commission merchant, or an introducing broker that is guaranteed by the futures commission merchant.

- b) A Section in this Part that which defines a term without express reference to the Act or to this Part ~~or to a portion thereof or hereof~~ defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 25 Ill. Reg. 8817, effective July 1, 2004)

Section 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser ~~or a Federal-Covered-Investment-Adviser~~, as Used in Section 8 of the Act

- a) "Branch office" as used in Section 8 of the Act, shall mean any office, residence or other place or location in this State where the registered investment adviser ~~or the federal-covered-investment adviser~~ or its ~~their~~ investment adviser representatives provide investment advisory services, solicit, meet with, or otherwise communicate with clients, or any other location that is held out to the general public as a location at which the registered investment adviser ~~or the federal-covered-investment adviser~~ or its ~~their~~ investment adviser representatives provide investment advisory services, solicit, meet with, or otherwise communicate with clients.
- b) The principal office located in this State of the registered

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~~effect-on-August-17-1997-(no-subsequent-amendments-or-editions).~~

"Segregated Customer Funds", as used in Section 130.270 of this Part, means funds subject to 17 CFR Part-I-Sec- 1.20 as in effect on August 1, 1997 (no subsequent amendments or editions).

"SRD" means the automated computer registration system for the registration and renewal of registration of securities, investment fund shares and unit investment trusts registered under the Federal 1933 Act and Federal 1940 Investment Company Act known as the Securities Registration Depository.

"Significant Subsidiary" means a subsidiary where:

the assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 1% of the assets of the parent and its subsidiaries on a consolidated basis; or

the sales and operating revenues of the subsidiary exceed 15% of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

In determining whether a subsidiary is a significant subsidiary, such a subsidiary shall be considered in the aggregate with any subsidiaries of which it is the parent.

"State Bond and Mortgage Company" means the company currently known as SBM Certificate Company or any successor company.

"Subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries. (See also "Majority-Owned Subsidiary", "Significant Subsidiary" and "Totally-Held Subsidiary".)

"Succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have the same meaning as "succession".

"Totally-Held Subsidiary" means a subsidiary substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and that which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount that which is material in relation to the particular subsidiary, excepting

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State" as used in Sections 8.C-5, 8.D, 8.D-5 and 8.H and "with the Securities Department" as used in this Section shall include a filing and/or fee submitted to NASD utilizing the IARD.

- h) Proration. Fees paid with annual notifications filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based upon the number of months remaining in calendar year 2001. All annual notifications filed in the calendar year 2001 shall expire at the end of the day on December 31, 2001. Beginning in the calendar year 2002, all filings shall be on a calendar year basis.

(Source: Amended at 25 Ill. Reg. 8817-2, effective July 8, 2001)

Section 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-45 of the Act

- a) Each investment adviser and federal covered investment adviser shall file with the Securities Department a complete and current application for each investment adviser representative and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.
- b) The application shall consist of a Form U-4 for each investment adviser representative.
- c) For purposes of the annual re-registration of investment adviser representatives, each investment adviser and federal covered investment adviser shall file with the Securities Department the annual re-registration of investment adviser form, or the annual notification filing form for federal covered investment advisers, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.
- d) For the purposes of this Section an investment adviser representative of a federal covered investment adviser shall mean any partner, officer, director (or other person occupying a similar status or performing similar functions), or an employee of a federal covered investment adviser, or any other person who provides investment advice on behalf of the federal covered investment adviser and is subject to the supervision and control of the federal covered investment adviser, if:
- 1) more than ten percent of such person's clients are natural persons, other than sophisticated clients; and
 - 2) such person has a place of business in the State of Illinois.
- As used in this subsection, the term "sophisticated client" shall mean a natural person who, immediately after entering into the investment advisory contract with the federal covered investment adviser, has at least \$500,000 under management with the federal covered investment adviser or the federal investment adviser reasonably believes, immediately prior to entering into the advisory contract, the person has a net worth (together with assets held jointly with a spouse) at the time the contract is entered into of more than \$1,000,000.

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investment adviser or the federal covered investment adviser, if any, shall not be considered a branch office.

(Source: Amended at 25 Ill. Reg. 8817-2, effective July 8, 2001)

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, AND INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

Section 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-45 of the Act

- a) Federal covered investment advisers shall file with the Securities Department copies of page 1 of the most recent Form ADV, Schedule E, and Schedule I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.
- b) For purposes of annual notification filing, a federal covered investment adviser shall file with the Securities Department the Annual Notification filing form and Schedule I to Form ADV, or copies of page 1 of the most recent Form ADV, Schedule E and Schedule I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.
- c) Amendments to page 1 of Form ADV shall be filed with the Securities Department at the same time they are filed with the SEC.
- d) In the event the federal covered investment adviser changes the form of its organization it shall pay the fee specified in Section 130.110 of this Part.
- e) A federal covered investment adviser that is no longer eligible for SEC registration shall file as an investment adviser with the Securities Department within 90 days after the date the investment adviser is required to file Schedule I to Form ADV with the SEC indicating it is no longer eligible for SEC registration.
- f) In the event the notification or the full amount of fees required by this Section is not filed with or paid to the Secretary of State, the Secretary of State shall notify the federal covered investment adviser of such deficiency in writing, or by facsimile or electronic transmission (provided that the Securities Department can demonstrate in the normal course of its business that the notice was delivered or transmitted to and received by the federal covered investment adviser or its designee). In the event the federal covered investment adviser fails to remedy the deficiency within ten business days after receiving notice of such deficiency from the Secretary of State, the Secretary of State may deem such as a refusal and may, until October 11, 1999, require the federal covered investment adviser to register pursuant to subsections A and D of Section 8 of the Act.
- g) For the limited purpose of this Section and solely for the filings and/or fees submitted to the IARD, the terms "with the Secretary of

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- e) The application on file with the Securities Department shall be amended whenever a change occurs that renders inaccurate any information contained in the application. The amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.
- f) In the event the investment adviser representative's activities are terminated, the investment adviser shall file a Form U-5 with the Securities Department within 30 days after the termination.
- g) In the event the investment adviser representative transfers registration from one investment adviser or federal covered investment adviser to another investment adviser or federal covered investment adviser, the new investment adviser or federal covered investment adviser shall file a Form U-4 with the Securities Department, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.
- h) For the limited purpose of this Section and solely for filings and/or fees submitted to the IARD, the terms "with the Secretary of State" as used in Sections 8.C-5, 8.D, 8.D-5 and 8.H and "with the Securities Department" as used in this Section shall include a filing and/or fee submitted to the NASD utilizing the IARD.
- i) Proration. Filing fees paid with the annual re-registration of each investment adviser representative filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based on the number of months remaining in calendar year 2001. All annual re-registrations of investment adviser representatives filed in the calendar year 2001 shall expire at the end of the day on December 31, 2001. Beginning in calendar year 2002, all annual re-registrations of investment adviser representatives shall be on a calendar year basis.

(Source: Amended at 25 Ill. Reg. 8817-02, effective 8/1/02)

Section 130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act

- a) Each applicant for registration as an investment adviser shall file with the Securities Department a complete and current application and pay to the Securities Department the filing fee and branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following:
- 1) The Revised Uniform Application for Investment Adviser Registration (Form ADV) required by 17 CFR 279.1 as in effect on October 10, 2000 August 17, 1997 (no subsequent amendments or editions) including Schedule D B thereto listing all branch offices in this State, if any;
 - 2) A balance sheet for the investment adviser as of a date not more than 60 days prior to the date of the filing of the application. The balance sheet shall be verified and executed by the chief

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- financial officer of the investment adviser, if any, or other person performing a similar function and must contain:
- A) an affirmation that the information is true and correct; and
 - B) a statement disclosing whether the investment adviser retains or during the term of registration will retain custody of any client's cash or securities or accept pre-payment of fees in excess of \$500-00 per client and six or more months in advance;
- 3) One copy of page one of the applicant's most recent Articles of Incorporation or, if a partnership, certificate of assumed name or similar document evidencing the legal name of the applicant;
 - 4) At or prior to registration of the investment adviser, there shall be on file with the Securities Department, whether through the CRD, IARD or otherwise, the following:
 - A) Proof of passing one or more of the requisite examinations, certifications or designations listed in Section 130.842 of this Part for each required principal, unless the Secretary shall have issued an order waiving such requirement pursuant to Section 8.D of the Act; and
 - B) Any and all amendments required to the application and documents filed pursuant to this subsection (a) of this Section, whether as a result of a change in the information provided since the date of filing or otherwise;
 - 5) One copy of Form U-4 for each investment adviser representative who renders investment advice in this State on behalf of the applicant and the fee specified in Section 130.110 of this Part;
 - 6) One copy of the Illinois Form containing an attestation that the investment adviser has not previously rendered investment advice for compensation in this State, or setting forth a claim of exemption or exclusion; and
 - 7) One copy of a written statement manually executed by an officer, partner or principal of the registered dealer consenting to the dual registration as investment adviser and salesperson, if registered as a salesperson in this State.
- b) The application and documents on file with the Securities Department with respect to the investment adviser shall be amended from time to time whenever a change occurs that renders any material information contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.
- c) For purposes of this Section, material information includes, but is not limited to:
- 1) the name and address of the investment adviser;
 - 2) type of business organization of the investment adviser;
 - 3) disciplinary action concerning the investment adviser;
 - 4) whether the investment adviser has custody of clients' funds or securities or accepts pre-payment of in excess of \$500-00;
 - 5) whether the investment adviser has discretion over clients'

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portfolios; or

- 6) whether the investment adviser will give clients Part II of the Uniform Application for Investment Adviser Registration required by subsection (a)(1) of this Section or another document containing the same information.

d) For the limited purpose of this Section and solely for the filings and/or fees submitted to the IARD, the terms "with the Secretary of State" as used in Sections 8.C-5, 8.D, 8.D-5 and 8.H and "with the Securities Department" as used in this Section shall include a filing and/or fee submitted to NASD utilizing the IARD.

e) Proration. Filing fees paid with annual re-registration filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based upon the number of months remaining in the calendar year 2001. All new registration applications and re-registration applications filed in the calendar year 2001 shall expire at the end of the day on December 31, 2001. Beginning in the year 2002, all filings shall be on a calendar year basis.

(Source: Amended at 25 Ill. Reg. 8817.03 effective

Section 130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

a) Each investment adviser and federal-covered-investment-adviser shall file with the Securities Department with its application for registration or notification--filing a schedule setting forth the address of each branch office in this State as defined in Section 130.280 of this Part. A Schedule D B of the Revised The Uniform Application for Investment Adviser Registration required by Section 130.840(a)(1) of this Part disclosing each branch office in this State shall be accompanied by the payment of the fee in the form and amount specified in Section 130.110 of this Part for each branch office in this State.

b) Each registered investment adviser and--federal-covered-investment adviser shall file or have filed with the Securities Department prior to re-registration or notification--renewal a schedule setting forth the address of each branch office and pay to the Securities Department in Springfield a fee in the form and amount specified in Section 130.110 of this Part for each branch office in this State.

c) No registration or re-registration or notification or notification--renewal of an investment adviser or--a-federal--covered--investment adviser shall become effective until such schedule of the investment adviser's or the federal-covered-investment-adviser's branch office has been filed with the Securities Department and the such fee, if any, has been paid.

d) The registered investment adviser shall amend its application for registration by filing with the Securities Department in Springfield

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within ten (10) business days after:

- 1) the opening of any branch office in this State not previously reported and setting forth the address of that such branch office; and

- 2) the closing of any branch office in this State and setting forth the address of that such branch office.

e) For the limited purpose of this Section and solely for the filings and/or fees submitted to the IARD, the terms "with the Secretary of State" as used in Sections 8.C-5, 8.D, 8.D-5, and 8.H and "with Securities Department" as used in this Section shall include a filing and/or fee submitted to NASD utilizing the IARD.

f) Proration. Filing fees paid with annual re-registration filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based upon the number of months remaining in the calendar year 2001. All new registration applications and re-registration applications filed in the calendar year 2001 shall expire at the end of the day on December 31, 2001. Beginning in the year 2002, all filings shall be on a calendar year basis.

g) A federal-covered-investment-adviser shall file--with--the--Securities Department--in--Springfield--each--amendment--to--Schedule-B-of-Form-ADV when--filed--with--the--SBS.

(Source: Amended at 25 Ill. Reg. 8817.02, effective

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14) Are there any other proposed amendments pending on this Part? No

15) Summary and purpose of amendments: This rulemaking updates statutory references in the Authority Note. It changes the terminology from "Superintendent" to "Administrator" and the "United States Veterans Administration" to the "Department of Veterans Affairs" (USDVA). It also updates the Illinois Veterans Home's payment and income management requirements to comply with current State statutes, Illinois Department of Public Health regulations and USDVA regulations. Section 108.130 raises the minimum allowance exclusion for the resident from \$80 to \$100. It is anticipated that this will be of minimum fiscal impact on the Department's income. Section 108.160 eliminates the requirement for the Illinois Veterans Home to recalculate the maximum maintenance payments from the resident's estate, returning the individual's maintenance payment to being based on service and income rather than assets. Section 108.170 requires the Department to base dependency allowances upon court order. Minimum fiscal impact to the State is anticipated from these revisions.

16) Information and questions regarding these adopted amendments shall be directed to:

Donald Bullerman
833 S. Spring Street - PO Box 19432
Springfield IL 62794-9432
(217) 785-7208

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF VETERANS' AFFAIRS
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1) Heading of the Part: Payment of Maintenance Charges and Income Management at Illinois Veterans Homes

2) Code Citation: 95 Ill. Adm. Code 108

3) Section Number: Proposed Action:

- 108.20 Amendment
- 108.40 Amendment
- 108.50 Amendment
- 108.70 Amendment
- 108.80 Amendment
- 108.90 Amendment
- 108.100 Amendment
- 108.110 Amendment
- 108.120 Amendment
- 108.130 Amendment
- 108.140 Amendment
- 108.150 Amendment
- 108.160 Amendment
- 108.170 Amendment

4) Statutory Authority: 20 ILCS 2805

5) Effective Date of Amendments: June 29, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these proposed amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 3829 - March 16, 2001

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In Section 108.170, DVA clarified that residents will contribute a monthly dependency allowance based upon a court order, not a scale established by DVA.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

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TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRSPART 108
PAYMENT OF MAINTENANCE CHARGES AND INCOME MANAGEMENT
AT THE ILLINOIS VETERANS HOMES

Section	
108.10	Resident Liability for Payment of Maintenance Charges
108.20	Allowances for Unusual Expenses
108.30	Investigation of Financial Condition of Residents
108.40	Filing of Financial Statements
108.50	Income Used in Computing Maintenance Charge
108.60	Rejection of Application or Discharge from Homes
108.70	Allowance Based on Total Income
108.80	Purchase of Personal Items
108.90	Due Date of Maintenance Charges
108.100	Liability of Conservator
108.110	Transmittal of Funds
108.120	Failure to Pay Maintenance Charges
108.130	Assessment of Maintenance Charges
108.140	Deposit Requirements
108.150	Allowable Unusual Expenses
108.160	Claims Against the Residents' Estates
108.170	Maintenance Charges for Member With Dependent

AUTHORITY: Implementing Sections 2, 2.03 and 2.04 authorized by Sections 2 and 2.06 of the Department of Veterans Affairs Act [20 ILCS 2805].

SOURCE: Rules filed and effective December 15, 1977; codified at 6 Ill. Reg. 17, P. 64, effective May 1, 1979; codified at 6 Ill. Reg. 8440; amended at 12 Ill. Reg. 4225, effective February 29, 1988; amended at 25 Ill. Reg. 8841 effective 8/8/92.

Section 108.20 Allowances for Unusual Expenses

An Administrator A-Superintendent, upon being furnished proof of payment or proof of indebtedness, may make allowances for unusual expenses in determining the ability of the resident to pay maintenance charges. Admission of residents shall not be limited or conditioned in any manner by their financial status or their ability to pay the maintenance charges. Refusal or failure to pay the established maintenance charges shall be cause for discharge of a resident from a Home.

(Source: Amended at 25 Ill. Reg. 8841 effective 8/8/92.)

Section 108.40 Filing of Financial Statements

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- a) Annually, between January February 1 and February 8 20 of each year, each resident or applicant shall file a sworn financial statement, on the appropriate form Form, on which shall be reported income from any and all sources as well as assets. The resident or applicant shall also indicate responsibility for the support of any dependent which should be considered in fixing the amount of his (her) monthly charges. When changes occur in a resident's income and/or assets, he (she) is required to complete a new financial statement. If changes are undisclosed, upon discovery, monthly maintenance charges will be adjusted retroactively to the effective date of the income change.
- b) Since many of the residents of the Veterans Homes receive, in conjunction with their United States Department of Veterans Affairs Affairs (USDVA) Administration--(V-A-) pension, an extra monetary award, either Aid and Attendance or Housebound Benefits, this extra amount will be due and shall be collected by the Homes and then the monthly maintenance charge shall be based on the balance of the resident's total income. The Aid and Attendance or Housebound Benefits from the USDVA V-A- shall be incorporated in the resident's total payment and shall be due on the first of each month and must be collected no later than the tenth day of each month.

(Source: Amended at 25 Ill. Reg. 8841 effective 8/8/92.)

Section 108.50 Income Used in Computing Maintenance Charge

- a) Income used in computing the maintenance charge shall include:

- 1) Social Security benefits less the premium for Part B Medicare.
- 2) Retirement benefits.
- 3) Income from annuities.
- 4) Insurance payment benefits.
- 5) Rental from property.
- 6) Farm income.
- 7) Interest income earned from the resident's personal funds maintained in the Home's Trust Fund.

Income from assets or other sources that would be reportable for income tax purposes.

9187 United States Department of Veterans Affairs Veterans Administration pension or compensation (including widows' pensions).

- b) The only income that shall be excluded in computing the monthly maintenance charges shall be that which a resident receives as wages for "work therapy" programs at employment-on-the-residents'-payroll-of a Home.

- c) If a resident maintains an outside health insurance policy for his/herself, the amount of monthly premiums paid for the health insurance shall be subtracted from the resident's gross income prior to calculating the maintenance fee.

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(Source: Amended at 25 Ill. Reg. 8841, effective 6/1/84)

Section 108.70 Allowance Based on Total Income

An allowance based on total income shall be made in computing a resident's monthly maintenance charge if it is necessary to contribute to the support of a legal dependent. (See Section 108.170). Legal dependents shall only be the mother, father, wife, husband, or minor child of a resident who by reason of insufficient financial resources must have such contributions in order to maintain themselves. An older child who is totally incapacitated may also be recognized when dependent on the resident for support.

(Source: Amended at 25 Ill. Reg. 8841, effective 6/1/84)

Section 108.80 Purchase of Personal Items

Residents shall, from that portion of their monthly income which is in excess of their maintenance charges, purchase all items for their personal comfort, including necessary clothing, non-prescribed medication and routine medication prescribed by a non-staff physician, but not available from the Home's institution drug supply.

(Source: Amended at 25 Ill. Reg. 8841, effective 6/1/84)

Section 108.90 Due Date of Maintenance Charges

Maintenance charges are due the first of the month following the month of admission and each month following the month of admission and each month thereafter, and shall be paid in full for the month by the resident on or before the tenth day. A resident may be permitted to pay the charge in quarterly or on some other advance basis if such arrangements are more satisfactory to him (her). Maintenance charges will be assessed to a resident who enters a Home at any time during a month. Assessment of the cost of maintenance charges for periods of less than one month's care shall be calculated beginning on the day of admission and shall include the number of days an individual a resident is a resident member. Maintenance charges will be assessed to a resident who takes a leave of absence for a period of 30 days or less to guarantee reservation of the resident's living quarters upon his (her) return to the Home. Maintenance charges will not be assessed to a resident who takes a leave of absence consisting of 31 days or more, and his (her) living quarters will not be reserved. Refunds of maintenance charges upon death or discharge of a resident will be calculated by pro-rating the maintenance charges for determining the days cost of care provided during the month of death or discharge, and subtracting such amount, as well as any unpaid charges for which the resident was liable, from the resident's paid maintenance

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(Source: The resident's monthly Aid and Attendance payments are non-refundable.)

(Source: Amended at 25 Ill. Reg. 8841, effective JUN 29 2004)

Section 108.100 Liability of Conservator

If a resident is under a conservatorship, the conservator shall be liable for payment of the maintenance charge as determined for that resident. If a resident is under an institutional award from the United States Department of Veterans Affairs (USDVA) Veterans Administration, the USDVA Veterans Administration shall be liable for payment of that portion of the maintenance charge required to be collected from USDVA Veterans Administration Funds for the account of that resident.

(Source: Amended at 25 Ill. Reg. 8841, effective JUN 29 2004)

Section 108.110 Transmittal of Funds

Funds received as payment for maintenance charges shall be transmitted to the State Administrative Offices of the Illinois Department of Veterans' Affairs (Department) for deposit with the State Treasurer of the State of Illinois in each Veterans Home Fund respectively, the Quincy-Veterans-Home or the Manteno Veterans-Home-Funds in accordance with statutory provisions and established fiscal procedures.

(Source: Amended at 25 Ill. Reg. 8841, effective JUN 29 2004)

Section 108.120 Failure to Pay Maintenance Charges

- When a resident is discharged for failure to pay the established maintenance charge, he (she) shall not be eligible for readmission to a Home until an exclusion period of three months has elapsed.
- A person who has been discharged by reason of non-payment of a maintenance charge may apply for readmission after the a three-month period of exclusion. The former resident will be subject to the Home's established eligibility standards and waiting lists. Any and any indebtedness owed to the State of Illinois must be paid in full on the first day of readmission, or arrangements to pay such charges must be agreed to by the individual and the Administrator of a Home.
- A resident who voluntarily leaves a Home after the fifth day of the month shall not be eligible for readmission to a Home until such charges are paid in full, or arrangements to pay such charges are agreed to by the individual and the Administrator Superintendent of a Home.

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(Source: Amended at 25 Ill. Reg. 8841, effective 1-1-81)

Section 108.130 Assessment of Maintenance Charges

- a) Maintenance charges for each resident of an Illinois Veterans Home shall be assessed at the rate of 90% of all income in excess of \$100 \$00 per month up to, but not exceeding the average annual per capita cost of maintenance as computed annually.
- b) Veteran and spouse, both at a Home, will each pay maintenance charges based upon one-half of their combined monthly income, and are each entitled to the \$100 \$00 exclusion.

(Source: Amended at 25 Ill. Reg. 8841, effective 1-1-81)

Section 108.140 Deposit Requirements

- a) Whenever it is deemed necessary to health, order, safety, or general welfare of a resident, the Administrator a-Superintendent may require the resident to deposit in a resident's trust fund at a Home such monies from any source of income as may be determined necessary, and disbursement of these funds to the resident shall be made only by direction of the Administrator a-Superintendent.
- b) In case a resident has a dependent child, spouse, or parent, the Administrator a-Superintendent may require that all monies received by the resident be deposited in the resident's trust fund with dependency contributions being made at the direction of the Administrator a-Superintendent. Any balance retained may be disbursed to the resident as needed by direction of the Administrator a-Superintendent and shall be paid to the resident at the time of discharge or to the resident's estate heirs after death of the resident.

(Source: Amended at 25 Ill. Reg. 8841, effective 1-1-81)

Section 108.150 Allowable Unusual Expenses

- a) Allowable unusual expenses for which a maintenance charge reduction may be approved by the Administrator a-Superintendent shall only be in these categories:
- 1) Prosthetic, orthopedic, or paraplegic appliances.
 - 2) Sensory aids.
 - 3) Non-standard wheelchairs of special or custom construction or adaptation Wheelchairs.
 - 4) Therapy services upon the recommendation of a staff physician.
 - 5) Hospital, medical, and surgical expenses in other than a United States Department of Veterans Affairs Administration

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Hospital/Medical Center Hospitals when recommended by a staff physician and approved by the Administrator a-Superintendent.

6) Funeral expenses for dependents.

- b) When the Administrator a-Superintendent approves an allowance for an unusual expense, the resident's amount-of-the-reduction-in-the monthly maintenance charge shall be reduced by that allowance collected. The amount of the allowance shall then be deducted from the resident's trust fund account resident-on-or-before-the-tenth-day-of-each-month-these-collections-shall-be-deposited-in-the-resident's-trust-fund account and payment shall be made monthly from this account by a Home to the proper payee on behalf of the resident. The allowance for an unusual expense can be a one-time allowance or an ongoing allowance. If an allowance is approved by a-Superintendent for the support of a legal dependent, the sum the resident contributes shall be collected on or before the tenth day of each month, deposited in the resident's trust fund account, and payment made monthly from this account by a Home to the legal dependent on behalf of the resident.

(Source: Amended at 25 Ill. Reg. 8841, effective 1-1-81)

Section 108.160 Claims Against the Residents' Estates

Maintenance charges unpaid upon the death of a resident or former resident shall constitute a claim against that resident's estate. The Department shall file a claim for unpaid maintenance charges against the estate in accordance with procedures prescribed by the Uncollected State Claims Act "AN-Act-in-relation-to-uncollected-claims-and-accounts-receivable-of-State-agencies-" [30 ILCS 205] and the Illinois State Collection Act of 1986 [30 ILCS 210]. Upon the death of a resident with a personal fund deposited with the Home, the management must convey within 30 days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate. Employees of an Illinois Veterans Home shall be prohibited from serving as the executor of a resident's estate. Rev--Stat--1989--ch--15--par--181--et--seq--the-Department-shall-also-file-a-claim-against-a-decedent's-estate-for-the-difference-between-the-payments-per-capita-charges-during-the-period-of-residency-subsequent-to-January-17-1967-through-April-30-1979--if-the-value-of-the-estate-exceeds-\$5,000-00--with-any-homestead-acquired-prior-to-date-of-admission-to-a-Home-being-excluded-in-determining-the-estate-value--Upon-the-death-of-a-resident--the-balance-of-the-trust-fund-in-the-deceased-resident's-account-shall-not-be-released-for-30-days-after-which-funds-not-to-exceed-\$500-00--including-any-burial--allowance-payable-by-the-United-States--Veterans--Administration--may-be-released-for-funeral--and--other--emergency--expenses--When--arrangements--are--made--for-settlement-of-any-unpaid-maintenance-charges--the-balance-remaining-in--the-trust--fund--shall--be--released--upon--proper-probate-action-or-execution-of-a-Payment-or-Delivery-of-a-Small-Estates-Claim-Affidavit--and--an--inheritance--tax-release--of--decedent: The Administrator (or Executor) of the estate, the

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attorney for the estate and/or other agencies or persons holding assets of the deceased resident shall be notified of the Department's claim against the estate.

(Source: Amended at 25 Ill. Reg. 8841 effective 11-1-01)

Section 108.170 Maintenance Charges for Member With Dependent

a) Each resident member of a Home who receives a pension or compensation and who has dependents a--dependent(s) requiring his (her) support shall may voluntarily contribute a monthly dependency allowance based upon a court order. based-upon-the-following-scales:

Dependent's Income	Monthly Dependency-Allowance
\$-200	\$-0
\$25--\$199	25
\$200--\$399	50
\$400--\$599	75
\$600--\$799	100
\$800--\$999	125
\$1000--\$1199	150
\$1200--\$1399	175
\$1400--\$1599	200

b) If more-than-one-dependent-requires-support-from-the-member--allowance will--be--based-upon-one-fourth-of-the-above-scale-for-each-additional dependent--the-member--may--contribute--a--greater--amount--income allowing--however--his--(her)--income--will--be--adjusted--in--accordance with-the-above-scale:

(Source: Amended at 25 Ill. Reg. 8841 effective 11-1-01)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Emergency Action:
140.445
140.447
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 92-0010
- 5) Effective Date: July 1, 2001
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: June 29, 2001
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 2001 budget plan and the enactment of the State's budget by the Legislature. The amendments, which provide reimbursement increases for prescription drugs, are necessary to restore approximately \$22 million to the Department's pharmacy program. These changes are the result of a fiscal year 2002 budget appropriation agreement. Emergency rulemaking is specifically authorized for the implementation of these reimbursement changes by Section 5-45 of Public Act 92-0010.

10) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules concerning pharmacy services provide reimbursement increases for generic and brand name prescription drugs. The changes eliminate the utilization of wholesale acquisition cost as a factor and modify the percentage adjustment of the Department's maximum price in methodologies regarding determination of the average wholesale price for prescription drugs. Other proposed changes pertaining to dispensing fees will result in a fee of \$4.00 for brand name drugs and \$5.10 for generic drugs. These latter changes are intended to provide incentive for the dispensing of generic, less costly products, when such drugs will adequately meet the needs of medical assistance clients.

These reimbursement changes for prescription drugs are the result of a fiscal year 2002 budget appropriation agreement. The changes are expected to allow the restoration of approximately \$22 million to the Department's pharmacy program.

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11) Are there any proposed amendments to this Part Pending? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.400	Amendment	March 16, 2001 (25 Ill. Reg. 3806)
140.435	Amendment	March 16, 2001 (25 Ill. Reg. 3806)
140.436	Amendment	March 16, 2001 (25 Ill. Reg. 3806)
140.445	Amendment	June 29, 2001 (25 Ill. Reg. 7808)
140.447	Amendment	June 29, 2001 (25 Ill. Reg. 7808)
140.475	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.476	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.477	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.478	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.479	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.480	Amendment	June 1, 2001 (25 Ill. Reg. 6855)
140.494	New	August 4, 2000 (24 Ill. Reg. 11539)
140.850	Amendment	April 20, 2001 (25 Ill. Reg. 5600)
140.855	Amendment	April 20, 2001 (25 Ill. Reg. 5600)

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217/524-0081

The full text of the emergency amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under Medical Assistance Programs
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under General Assistance
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance for Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited

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140.27	Assignment of Vendor Payments	140.361	Non-Participating Hospitals (Recodified)
140.28	Record Requirements for Medical Providers	140.362	Pre July 1, 1989 Services (Recodified)
140.30	Audits	140.363	Post June 30, 1989 Services (Recodified)
140.31	Emergency Services Audits	140.364	Prepayment Review (Recodified)
140.32	Prohibition on Participation, and Special Permission for Participation	140.365	Base Year Costs (Recodified)
140.33	Publication of List of Terminated, Suspended or Barred Entities	140.366	Restructuring Adjustment (Recodified)
140.35	False Reporting and Other Fraudulent Activities	140.367	Inflation Adjustment (Recodified)
140.40	Prior Approval for Medical Services or Items	140.368	Volume Adjustment (Repealed)
140.41	Prior Approval in Cases of Emergency	140.369	Groupings (Recodified)
140.42	Limitation on Prior Approval	140.370	Rate Calculation (Recodified)
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained	140.371	Payment (Recodified)
140.55	Recipient Eligibility Verification (REV) System	140.372	Review Procedure (Recodified)
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice	140.373	Utilization (Repealed)
140.72	Voucher Advance Payment and Expedited Payments	140.374	Alternatives (Recodified)
140.73	Drug Manual (Recodified)	140.375	Exemptions (Recodified)
	Drug Manual Updates (Recodified)	140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
		140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.391	Definitions (Recodified)
		140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.398	Hearings (Recodified)
			SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES
		Section	
	Hospital Provider Fund	140.400	Payment to Practitioners, Nurses and Laboratories
	Developmentally Disabled Care Provider Fund	140.410	Physicians' Services
	Long Term Care Provider Fund	140.411	Covered Services By Physicians
	Medicaid Developmentally Disabled Provider Participation Fee Trust	140.412	Services Not Covered By Physicians
	Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund	140.413	Limitation on Physician Services
		140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
	Hospital Services Trust Fund	140.416	Optometric Services and Materials
	General Requirements (Recodified)	140.417	Limitations on Optometric Services
	Special Requirements (Recodified)	140.418	Department of Corrections Laboratory
	Covered Hospital Services (Recodified)	140.420	Dental Services
	Hospital Services Not Covered (Recodified)	140.421	Limitations on Dental Services
	Limitation On Hospital Services (Recodified)	140.422	Requirements for Prescriptions and Dispensing Items - Dentists
	Transplants (Recodified)	140.425	Podiatry Services
	Heart Transplants (Recodified)	140.426	Limitations on Podiatry Services
	Liver Transplants (Recodified)	140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
	Bone Marrow Transplants (Recodified)	140.428	Chiropractic Services
	Disproportionate Share Hospital Adjustments (Recodified)		
	Payment for Inpatient Services for GA (Recodified)		
	Hospital Outpatient and Clinic Services (Recodified)		
	Payment for Hospital Services During Fiscal Year 1982 (Recodified)		
	Payment for Hospital Services After June 30, 1982 (Repealed)		
	Payment for Hospital Services During Fiscal Year 1983 (Recodified)		
	Limits on Length of Stay by Diagnosis (Recodified)		
	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)		
	Copayments (Recodified)		
	Payment Methodology (Recodified)		

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140.429 Limitations on Chiropractic Services (Repealed)
 140.430 Independent Clinical Laboratory Services
 140.431 Services Not Covered by Independent Clinical Laboratories
 140.432 Limitations on Independent Clinical Laboratory Services
 140.433 Payment for Clinical Laboratory Services
 140.434 Record Requirements for Independent Clinical Laboratories
 140.435 Nurse Services
 140.436 Limitations on Nurse Services
 140.438 Imaging Centers
 140.440 Pharmacy Services
 140.441 Pharmacy Services Not Covered
 140.442 Prior Approval of Prescriptions
 140.443 Filling of Prescriptions
 140.444 Compounded Prescriptions
 140.445 Legend Prescription Items (Not Compounded)
 EMERGENCY
 140.446 Over-the-Counter Items
 140.447 Reimbursement
 EMERGENCY
 140.448 Returned Pharmacy Items
 140.449 Payment of Pharmacy Items
 140.450 Record Requirements for Pharmacies
 140.451 Prospective Drug Review and Patient Counseling
 140.452 Mental Health Clinic Services
 140.453 Definitions
 140.454 Types of Mental Health Clinic Services
 140.455 Payment for Mental Health Clinic Services
 140.456 Hearings
 140.457 Therapy Services
 140.458 Prior Approval for Therapy Services
 140.459 Payment for Therapy Services
 140.460 Clinic Services
 140.461 Clinic Participation, Data and Certification Requirements
 140.462 Covered Services in Clinics
 140.463 Clinic Service Payment
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
 140.465 Speech and Hearing Clinics (Repealed)
 140.466 Rural Health Clinics
 140.467 Independent Clinics
 140.469 Hospice
 140.470 Home Health Services
 140.471 Home Health Covered Services
 140.472 Types of Home Health Services
 140.473 Prior Approval for Home Health Services
 140.474 Payment for Home Health Services
 140.475 Medical Equipment, Supplies and Prosthetic Devices
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made

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 140.485 Healthy Kids Program
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140.902 Service Needs (Recodified)
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Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
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 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Admitting and Clinical Privileges (Recodified)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
 140.966 Transfer of Recipients (Recodified)
 140.968 Validity of Contracts (Recodified)
 140.970 Termination of ICARE Contracts (Recodified)
 140.972 Hospital Services Procurement Advisory Board (Recodified)
 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency

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140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

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 TABLE I Staff Time and Allocation for Training Programs (Recodified)
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 TABLE K Services Qualifying for 10% Add-On (Repealed)
 TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
 TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with

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no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October

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27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table H and 140.912 Table I recodified to 89 Ill. Adm. Code 147.205 and 147.205 Table A and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June

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19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5,

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1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1,

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1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19988, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days, emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 19320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.445 Legend Prescription Items (Not Compounded)

EMERGENCY

For legend (prescription) drugs, the Department shall pay the lower of:

- a) the pharmacy's prevailing charge to the general public; or
 - b) the Department's maximum price plus the established dispensing fee of \$5.10 for generic drugs and \$4.00 for brand name drugs.
- 1) For generic drugs, the Department's maximum price is calculated as the lowest of:
 - A) the average wholesale price minus 20 1/2 percent; or
 - B) the Federal Upper Limit for drugs that have been evaluated as therapeutically equivalent in the Food and Drug Administration's publication entitled Approved Drug Products with Therapeutic Equivalence Evaluations; or
 - C) the State Upper Limit for drugs listed in the Illinois Formulary for the Drug Product Selection Program and not having an established Federal Upper Limit at the time of listing; or
 - D) the average wholesale price for drugs where that price is based upon the actual market wholesale price; or
- 2) For brand name drugs, the Department's maximum price is calculated as the lower of:
 - A) the average wholesale price minus 11 ten percent; or
 - B) the average wholesale price for drugs where that price is

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based upon the actual market wholesale price; or

b) ~~the-wholesale-acquisition-cost-plus-8-percent.~~

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days)

Section 140.447 Reimbursement

EMERGENCY

- a) The calculation of average wholesale price and--~~wholesale-acquisition cost~~ in the determination of the Department's maximum price (Section 140.445(b)) is made using the standard package size.
- b) If a pharmacy gives discounts to the general public, it must provide the same to Public Aid recipients. If discounts are allowed only to a specific group of people, they shall be extended to a recipient if he or she is a member of the special discount group. Public Aid recipients can constitute a special group and receive a discount, but they cannot be excluded from a discount group just because they are recipients.
- c) The Department will require pharmacies to complete hard copy (paper) claim forms for pharmacy services and attach a Prescribing Practitioner Name Identification Form. A separate hard copy (paper) claim form and Practitioner Name Identification Form is to be required for each recipient and prescribing practitioner.
- d) The Department will authorize an exception for pharmacies, to the requirements of subsection (c) of this Section, by allowing pharmacy claims to be submitted with the prescribing practitioner's DEA number, Department Medical Assistance Program participating provider identification number or Social Security Number.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

expected to increase by approximately \$89 million.

For ICF/MR certified facilities, including ICF/DD and SNF/Ped licensed facilities, an increase in rates for residential services shall be equal to a statewide average of 7.85 percent. Residential rates taking effect on March 1, 2001, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component. These two rate components shall be adjusted by the Department of Human Services' geographical area adjuster. These changes are expected to result in an annual increase in expenditures for DHS of approximately \$42 million.

For developmental training agencies, rates taking effect on March 1, 2001, shall be increased by 9.05 percent and according to DHS' geographical area adjuster.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Numbers: Emergency Action:
153.125 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13], Senate Bill 608, Public Act 92-0011 and Public Act 92-0010

5) Effective Date: July 1, 2001

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed with the Index Department: July 1, 2001

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 2002 budget plan and the enactment of the State's budget by the Legislature. The amendments provide reimbursement increases for services rendered by Medicaid funded nursing facilities, facilities for persons with developmental disabilities and developmental training agencies. These changes will ensure the continued access to essential long term care services in the Medical Assistance Program. Emergency rulemaking is specifically authorized for the implementation of these reimbursement changes by Section 5-45 of Public Act 92-0010.

10) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules concerning long term care services provide reimbursement increases for nursing facilities (SNF/ICF), intermediate care facilities for persons with developmental disabilities (ICF/MR), skilled nursing facilities for persons under the age of 22 years (ICF/MR-SNF/Ped), and developmental training agencies.

For nursing facilities, rates shall be computed according to the most recent cost reports up to April 1, 2000, and updated for inflation to January 1, 2001. The rates effective on July 1, 2001, shall be the greater of the rate computed for July 1, 2001, or the rate in effect on June 30, 2001. Other proposed changes concerning building value, real estate taxes, wages and capital and support rates are being made in coordination with these rate changes. These changes are expected to result in a budgetary increase of approximately \$70 million during fiscal year 2002, and annualized expenditures for nursing facility services are

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Section 153.100 Reimbursement for Long Term Care Services
153.125 Long Term Care Facility Rate Adjustments
EMERGENCY
153.150 Quality Assurance Review (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. ~~8867~~ effective July 1, 2001, for a maximum of 150 days.

Section 153.125 Long Term Care Facility Rate Adjustments
EMERGENCY

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after

DEPARTMENT OF PUBLIC AID

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that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.

- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:

- 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
- 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
- 3) an increase of \$10.02 per person, per month for developmental training rates.

- d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.

- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.

- f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, and each subsequent year thereafter, shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, undated for inflation to January 1, 2001.

- 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(4)(B)(x), except that, as of July 1, 2001, the definition of current year is the year 2000.

- 2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.

- 3) Wages shall be calculated according to 89 Ill. Adm. Code 147.150, except that wages will be updated for inflation to January 1, 2001.

- 4) Capital and support rates in effect on July 1, 2001, shall be adjusted based on audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.

- 5) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001, or the rate effective on June 30, 2001.

- 6) All accounting records or other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.

- g) Notwithstanding the provisions set forth in Section 153.100,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

intermediate care facilities for persons with developmental disabilities (ICE/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).

h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 8867-2, effective July 1, 2001, for a maximum of 150 days)

OFFICE OF BANKS AND REAL ESTATE

JULY 2001 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Calculation, Assessment and Collection of Periodic Fees, 38 Ill. Adm. Code 375

1) Rulemaking:

A) Description: Office of Banks and Real Estate (OBRE) is contemplating amendments to establish foreign bank representative office license fees by rule and to establish charges to recover the cost of examinations of foreign bank representative offices. Statutory authority is pending in HB 2538 awaiting the Governor's signature.

B) Statutory Authority: Implementing and authorized by the Foreign Bank Representative Office Act [205 ILCS 650].

C) Schedule meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Calendar year 2001

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Alan Anderson, Legislative Liaison
Address: Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701-1532
Telephone: (217) 782-3000

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Licensing and Regulation of Pawnbrokers, 38 Ill. Adm. Code 360

1) Rulemaking:

A) Description: OBRE is contemplating an amendment to govern the manner in which routine examinations of pawnshops are conducted by the agency. In addition, the rule would address other business activities permitted by pawnshops. Statutory authority is pending in HB 2539 awaiting the Governor's signature.

B) Statutory Authority: Implementing and authorized by the Pawnbroker Regulation Act [205 ILCS 510].

C) Schedule meeting/hearing date: None scheduled

OFFICE OF BANKS AND REAL ESTATE

JULY 2001 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Calendar year 2001
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Name: Alan Anderson, Legislative Liaison
 Address: Office of Banks and Real Estate
 500 East Monroe, Suite 900
 Springfield, Illinois 62701-1532
 Telephone: (217) 782-3000
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Corporate Fiduciary Applications and Notices, 38 Ill. Adm. Code
- 1) Rulemaking:
- A) Description: OBRE is contemplating an amendment to specify the manner in which out-of-state corporate fiduciaries are permitted to branch into Illinois. It would govern applications by corporate fiduciaries in other states seeking to do business in Illinois. Statutory authority is pending in HB 2538 awaiting the Governor's signature.
- B) Statutory Authority: Implementing and authorized by the Corporate Fiduciary Act [765 ILCS 1025].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Calendar year 2001
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Name: Alan Anderson, Legislative Liaison
 Address: Office of Banks and Real Estate
 500 East Monroe, Suite 900
 Springfield, Illinois 62701-1532
 Telephone: (217) 782-3000
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Appeal of Examination Findings

OFFICE OF BANKS AND REAL ESTATE

JULY 2001 REGULATORY AGENDA

(New Part)

1) Rulemaking:

- A) Description: The purpose of the rule is to establish a method for banks, foreign banking offices, data processing service providers and corporate fiduciaries to appeal the ratings assigned by OBRE at examinations.
- B) Statutory Authority: Implementing and authorized by Illinois Banking Act [205 ILCS ILCS 5], Foreign Banking Office Act [205 ILCS 645], and Corporate Fiduciary Act [205 ILCS 620].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Calendar year 2001
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Name: Alan Anderson, Legislative Liaison
 Address: Office of Banks and Real Estate
 500 East Monroe, Suite 900
 Springfield, Illinois 62701-1532
 Telephone: (217) 782-3000
- G) Related rulemakings and other pertinent information: None.
- e) Part(s) (Heading and Code Citation): Organization Minimum Capital of Banks and Trust Companies (New Part)
- 1) Rulemaking:
- A) Description: This part would publish in rule form the organization minimum capital requirements for banks and trust companies.
- B) Statutory Authority: Implementing and authorized by Illinois Banking Act [205 ILCS 5] and Corporate Fiduciary Act [205 ILCS 620].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Calendar year 2001
- E) Effect on small businesses, small municipalities or not for

OFFICE OF BANKS AND REAL ESTATE

JULY 2001 REGULATORY AGENDA

Profit corporations: None

F) Agency contact person for information:

Name: Alan Anderson Legislative Liaison
Address: Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701-1532
Telephone: (217) 782-3000

G) Related rulemakings and other pertinent information: None

CAPITAL DEVELOPMENT BOARD

JULY 2001 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Grant Agreement Procedures, 71 Ill. Adm. Code 41

1) Rulemaking: Proposed Rule

A) Description: Describes contents of Capital Development Board grant agreements and compliance procedures for grantees including submittals of required documentation.

B) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and the Grant Funds Recovery Act [30 ILCS 750].

C) Scheduled meeting/hearing dates: None currently

D) Date agency anticipates First Notice: September 1, 2001

E) Affect on small businesses, small municipalities or not for profit corporations: Grant funds will be distributed to designated grantees that are in compliance.

F) Agency contact person for information:

Claire Gibson, Deputy Chief Counsel
Wm. G. Stratton Building, 3rd Floor
Springfield, IL 62706
217/782-1392

G) Related rulemakings and other pertinent information: This rule will apply generally to all grants administered by CDB regardless of the nature of the grant or the type of grantee, to insure grantee accountability. Standards for Award of Grants: School Construction Program, 71 Ill. Adm. Code 40, is a related rule.

ILLINOIS COMMERCE COMMISSION

JANUARY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunications Carriers in Filing for an Increase in Rates, 83 Ill. Adm. Code 285

1) Rulemaking:

- A) Description: This rulemaking proceeding is examining the required data that must be filed with the Commission when any of the subject entities files a general rate increase. This material is reviewed by Commission staff in preparation of the rate case.

- B) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].

- C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 93-0351.

- D) Date agency anticipates First Notice: Undetermined.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject utilities or local exchange carriers that are also small businesses.

- F) Agency contact person for information:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
217-782-7434

- G) Related rulemakings and other pertinent information: None.

- b) Part (Heading and Code Citation): Standards of Service for Local Exchange Telecommunications Carriers 83 Ill. Adm. Code 730

1) Rulemaking:

- A) Description: The Commission has received a Telecommunications Division Staff Report ("Staff Report") dated August 31, 2000. In it, the Commission's Telecommunications Staff expresses the belief that Part 730 should be reviewed to ascertain that the standards for local exchange telecommunications service are clear as well as consistently applied and reported by all local exchange carriers. Staff also believes that Part 730 does not have sufficient penalty mechanisms associated with it to modify a local exchange carrier's

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JANUARY 2001 REGULATORY AGENDA

performance. In Staff's view, the standards of Part 730 must be evaluated to determine if the levels of service currently required of local exchange carriers are appropriate, or if more stringent measures should be adopted. Staff recommends that the Commission conduct a review of Part 730 to ensure that the standards provide customers of local exchange carriers with meaningful reassurances of an appropriate level of service quality.

- B) Statutory Authority: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301 and 10-101].

- C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 00-0596.

- D) Date agency anticipates First Notice: Undetermined.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject local exchange carriers that are also small businesses.

- F) Agency contact person for information:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
217-782-7434

- G) Related rulemakings and other pertinent information: None.

- c) Part(s) (Heading and Code Citation): 83 Ill. Adm. Code 451, "Certification of Alternative Retail Electric Suppliers"

1) Rulemaking:

- A) Description: The Commission has initiated a proceeding to revise 83 Ill. Adm. Code 451 to develop certification requirements for those ARES that will serve residential customers and to revise existing rules in Part 451 as necessary to more effectively certificate ARES.

- B) Statutory Authority: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115].

- C) Schedule meeting/hearing date: Persons interested in participating

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in the proceeding should file a petition to intervene in docket 01-0376.

D) Date agency anticipates First Notice: Undetermined.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject AREs that are also small businesses.

F) Agency contact person for information:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
217-782-7434

G) Related rulemakings and other pertinent information: None.

COMPTROLLER MERIT COMMISSION

JULY 2001 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Merit Commission Rules (80 Ill. Adm. Code 100)

1) Rulemaking:

A) Description of Commission's Powers and Duties: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from Jurisdiction B of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.

B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].

C) Schedule of regular meetings: July 19, 2001; August 9, 2001; September 20, 2001; October 18, 2001; November 15, 2001; December 20, 2001.

D) Date agency anticipates First Notice: The Merit Commission does not anticipate any rule changes at this time. However, any future changes will be discussed at the meetings listed above.

E) Effect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Joe Wilkins, Chairman
Comptroller Merit Commission
325 West Adams Street
Springfield, IL 62704-1858
(217)785-1127

G) Related rulemakings and other pertinent information: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2001 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Political Subdivision Emergency Services and Disaster Agencies, 20 Ill. Adm. Code 301

1) Rulemaking: Proposed Rulemaking

A) Description: The Agency proposes this rulemaking to establish political subdivision emergency services and disaster agency (ESDA) emergency operations plan (EOP) requirements, including requirements for EOP development; EOP submission, review and approval; and EOP exercises. The rulemaking additionally establishes criteria for optional ESDA opportunities including accreditation, certification, workers' compensation and workers' occupational diseases coverage for ESDA volunteers, and emergency management assistance (EMA) grants.

B) Statutory Authority: Implementing Sections 3305/1 through 3305/22 of the Illinois Emergency Management Agency Act [20 ILCS 3305/1 through 3305/22] and authorized by Sections 3305/5(f)(4), 3305/5(f)(5) and 3305/10(i) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(f)(4), 3305/5(f)(5) and 3305/10(i)]

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipated First Notice: The Agency anticipates First Notice during the period of time after July 1, 2001 and prior to October 1, 2001.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will not impact small businesses or not for profit corporations. It will only impact those small municipalities that choose to establish an ESDA pursuant to the IEMA Act. The rule does not require small municipalities to establish an ESDA, but only affects those who have chosen to do so.

F) Agency contact person for information:

Jeanne Heaton, Assistant Counsel
Illinois Emergency Management Agency
110 East Adams
Springfield, IL 62701
(217)557-4871

G) Related rulemakings and other pertinent information: Parts 205, 1300 and 1310 will be repealed and replaced with Part 301.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2001 REGULATORY AGENDA

- b) Part (Heading and Code Citation): Local Emergency Operations Plans, 20 Ill. Adm. Code 205

1) Rulemaking: Repeal of Rule

A) Description: The Agency proposes to repeal this rule because the requirements stated here are based on federal requirements that are no longer in effect. New requirements for emergency operations plans will be contained in the proposed rule in Part 301.

B) Statutory Authority: Implementing Sections 5 and 10 and authorized by Section 5(f)(4) of the Illinois Emergency Management Agency Act.[20 ILCS 3305/5, 3305/10, 3305/5(f)(5)]

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipated First Notice: The Agency anticipates First Notice during the period of time after July 1, 2001 and prior to October 1, 2001.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jeanne Heaton, Assistant Counsel
Illinois Emergency Management Agency
110 East Adams
Springfield IL 62701
(217)557-4871

G) Related rulemakings and other pertinent information: This Part 205 and Parts 1300 and 1310 will be repealed and replaced with Part 301.

c) Part (Heading and Code Citation): Emergency Services and Disaster Agencies: Establishment, Accreditation, and Workers' Compensation, 29 Ill. Adm. Code 1300

1) Rulemaking: Repeal of Rule

A) Description: The Agency proposes to repeal this rule because the requirements stated herein are inconsistent with new proposed rules. Requirements will be made consistent with other Agency requirements stated in the proposed rule in Part 301.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2001 REGULATORY AGENDA

- B) Statutory Authority: Implementing Section 10 of the Illinois Emergency Management Agency Act, and authorized by Section 5 of the Illinois Emergency Management Agency Act [20 ILCS 3305/10 and 3305/5]

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipated First Notice: The Agency anticipates First Notice during the period of time after July 1, 2001 and prior to October 1, 2001.

- E) Affect on small businesses, small municipalities or not for Profit corporations: None

- F) Agency contact person for information:

Jeanne Heaton, Assistant Counsel
Illinois Emergency Management Agency
110 East Adams
Springfield IL 62701
(217)557-4871

- G) Related rulemakings and other pertinent information: Part 1300 and Parts 205 and 1310 will be repealed and replaced with Part 301.

- d) Part (Heading and Code Citation): Emergency Management Assistance Program, 29 Ill. Adm. Code 1310

1) Rulemaking: Repeal of Rule

- A) Description: The Agency proposes to repeal this rule because the requirements stated herein are inconsistent with new proposed rules. Requirements will be made consistent with other Agency rules contained in the proposed rule in Part 301.

- B) Statutory Authority: Implementing Section 10 and authorized by Section 5 of the Illinois Emergency Management Agency Act [20 ILCS 3305/10 and 3305/5]

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipated First Notice: August 2001

- E) Affect on small businesses, small municipalities or not for Profit corporations: None

- F) Agency contact person for information:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2001 REGULATORY AGENDA

Jeanne Heaton, Assistant Counsel
Illinois Emergency Management Agency
110 East Adams
Springfield, IL 62701
(217)557-4871

- G) Related rulemakings and other pertinent information: Part 1310 and Parts 205 and 1300 will be repealed and replaced with Part 301.

ENVIRONMENTAL PROTECTION AGENCY

JULY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Procedures for Antidegradation Demonstration Reviews, (35 Ill. Adm. Code 354)

1) Rulemaking:

- A) Description: This rulemaking creates procedures for Agency review of Antidegradation Demonstration.

- B) Statutory Authority: 415 ILCS 5/11(b), 39

- C) Scheduled meeting/hearing date: No hearings have been scheduled.

- D) Date agency anticipates First Notice: July 2002

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments clarify the manner in which the Agency will review antidegradation demonstrations, when such demonstrations are required pursuant to 35 Ill. Adm. Code 302.105, and assess potential impacts on water quality. The clarification imposes requirements for any small business, small municipality or not for profit corporation that.

- F) Agency contact person for information:

Toby Frevert, Manager
Division of Water Pollution Control
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield IL 62794-9276
217/782-0610

- G) Related rulemaking and other pertinent information: The Agency has filed R01-13 with the Illinois Pollution Control Board. In R01-13 the Agency proposed substantive amendments to 35 Ill. Adm. Code 302.

- b) Part(s) (Heading and Code Citation): No Part number is yet reserved

1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to methodology to develop Clean Water Act Section 303(d) list. This rule would establish the criteria that the IEPA would use to develop the list of the impaired waterbodies.

ENVIRONMENTAL PROTECTION AGENCY

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- B) Statutory Authority: Implementing and authorized by Sections 4/11 and 39(b) of the Environmental Protection Act (415 ILCS 5/4, 11 & 139(b)).

- C) Schedule meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in July 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of the proposal to the Board would commence this proceeding, and the IEPA expects to file a proposal in July 2001 with the Board. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Effect on Small Businesses, small municipalities or not for profit corporations: This rule may affect any small business, small municipality, or not-for profit corporation that discharges wastewater into the waters of this State.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Bruce Yurdin
Watershed Management
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217/782-0610

- G) Related Rulemaking and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Design Criteria for Sludge Application on Land, (35 Ill. Adm. Code 391)

1) Rulemaking:

- A) Description: This rulemaking amends the Illinois procedures for sludge application on land to make them consistent with Federal requirements.

- B) Statutory Authority: 415 ILCS 5/11(b), 39(b)

ENVIRONMENTAL PROTECTION AGENCY
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- C) Scheduled meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: September 1, 2001
- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments impose new requirements for any small business, small municipality or not for profit corporation that generates, uses or distributes sludge for application on land.
- F) Agency contact person for information:
Alan Keller, P.E.
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield IL 62794-9276
217/782-0610

- G) Related rulemaking and other pertinent information: The Agency is preparing a rulemaking proposal for filing with the Illinois Pollution Control Board, Standards for Sludge Management, 35 Ill. Adm. Code 313, that sets substantive requirements for land application of sludge, including limitations on pollutant concentrations.

- d) Part(s) (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Revolving Loan Fund (35 Ill. Adm. Code 365)

1) Rulemaking:

- A) Description: This rulemaking amends the Agency's present Water Pollution Control loan rules to update and make them consistent with current Federal guidance and the Agency's rules for the Public Water Supply Loan Program, 35 Ill. Adm. Code 663.
- B) Statutory Authority: The amended rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.8].

- C) Schedule meeting/hearing date: The Agency has not yet scheduled a hearing or meeting on these proposed rules.

- D) Date agency anticipates First Notice: July 30, 2001

- E) Affect on small businesses, small municipalities or not for profit

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corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will simplify the procedures for obtaining loans from the wastewater treatment loan program.

- F) Agency contact person for information:

Ron Drainer
Infrastructure Financial Assistant Section
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217/782-2027

- G) Related rulemaking and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Operation of the Hazardous Waste Fee System (35 Ill. Adm. Code 855)

1) Rulemaking: Proposed Amendment

- A) Description: The Agency plans to amend provisions cross-referencing 35 Ill. Adm. Code 809.211(g), which was repealed in 1999, and references to bills of lading mentioned in that subsection in order to make the Agency's regulations consistent with 35 Ill. Adm. Code 809.

- B) Statutory authority: Sections 22.2(c) of the Environmental Protection Act [415 ILCS 5/22.2(c)]

- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meeting or hearing dates on this proposal.

- D) Date Agency anticipates First Notice, if known: Summer or Fall of 2001

- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency does not expect the amendment planned amendment to affect small businesses, small municipalities or not-for-profit corporations.

- F) Agency contact person for information:

Kyle Rominger
Illinois Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY
JULY 2001 REGULATORY AGENDA

1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

G) Related rulemakings and other pertinent information: None presently known

f) Part(s) (Heading and Code Citation): Green Illinois Communities Grant Program (35 Ill. Adm. Code 887)

1) Rulemaking: New Part

A) Description: The Agency plans to propose rules governing the administration of grants awarded under the Green Illinois Communities Demonstration Program established in the Governor's Executive Order and Proclamation 2000-7 (24 Ill. Reg. 7751).

B) Statutory authority: Section 4(k) of the Environmental Protection Act [415 ILCS 5/4(k)]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meeting or hearing dates on this proposal.

D) Date Agency anticipates First Notice, if known: Summer or Fall of 2001

E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed regulations will affect businesses, small municipalities or not-for-profit corporations seeking or otherwise involved with grants awarded under the Green Illinois Communities Demonstration Program.

F) Agency contact person for information:

Kyle Rominger
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217/782-5544

G) Related rulemakings and other pertinent information: None presently known

g) Part(s) (Heading and Code Citation): Accreditation and Operation of

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Environmental Laboratories, 35 Ill. Adm. Code 186

1) Rulemaking:

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal to amend 35 Ill. Adm. Code 186 to respond to a recent audit of the Illinois EPA/Division of Laboratories (DOL) Environmental Laboratory Accreditation Program (IL ELAP) by the United States Environmental Protection Agency's National Environmental Laboratory Accreditation Program (NELAP), and to recent changes to the National Environmental Laboratory Accreditation (NELAC) standards. The proposed amendments to the IEPA's rules in Part 186 are required for the IL ELAP to become a NELAP-approved program.

B) Statutory Authority: Implementing and authorized by Sections 4(o) and 4(p) of the Illinois Environmental Protection Act [415 ILCS 5/4(o) & 5/4(p)].

C) Scheduled meeting/hearing dates: The IEPA met with the Ad-hoc Environmental Laboratory Advisory Committee in July 1999.

D) Date agency anticipates First Notice: February 1, 2001

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will allow commercial laboratories in Illinois to compete with commercial laboratories in other NELAP approved states. In absence of this rulemaking, the IL ELAP would not be approved for NELAP, putting Illinois' commercial laboratories at a competitive disadvantage with commercial laboratories in other NELAP approved states.

F) Agency contact person for information:

Ron Turpin, Manager
Laboratory Accreditation Section
Division of Laboratories
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield IL 62794-9276
217/785-7475

G) Related Rulemaking and other pertinent information: None

h) Part(s) (Headings and Code Citations): Illinois Environmental Protection Agency (Illinois EPA) Public Water Supplies, Technical Policy Statements, 35 Ill. Adm. Code 651 through 654

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1) Rulemaking:

A) Description: The amendments to these Illinois EPA rules will update definitions and explanations of administrative procedures and provide current information to owners, operators and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation, and maintenance of public water supplies and to facilitate the permitting process. The amendments to these Illinois EPA rules will also incorporate technical, financial, and managerial requirements for new public water supplies (PWS). The proposed amendments are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA). On May 22, 1998, the Illinois General Assembly passed SB 545 which, inter alia, amends Sections 15 and 18 of the Environmental Protection Act (Act) [415 ILCS 5/15 and 5/18] to require that new PWS have the technical, financial, and managerial capacity to meet federal and State Drinking water regulations. The Governor signed this bill into law on August 14, 1998.

B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].

C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.

D) Date Agency Anticipates First Notice: June 1, 2000

E) Affect on small business, small municipalities or not-for-profit corporations: These amendments will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements. These amendments may also affect new small businesses, new small municipalities, and new not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information:

Lou Allyn Byus
Field Operations Section
Division of Public Water Supplies
Bureau of Water

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Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield IL 62794-9276
217/782-8653

G) Other pertinent information concerning these amendments: None

i) Part(s) (Heading and Code Citation): Mobile Sources (35 Ill. Adm. Code 240)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) and its vehicle emissions test contractor began enhanced vehicle inspection and maintenance (Enhanced I/M) testing under the Enhanced I/M test program in early 1999, as required by the federal Clean Air Act [42 USC 7401 et seq.] and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-1 et seq.]. The United States Environmental Protection Agency has issued regulations concerning one component of that test, the testing of "on-board diagnostic" (OBD) equipment of most model year 1996 and newer vehicles at 66 FR 18156 (April 5, 2001). The IEPA is proposing to incorporate several elements of that rulemaking in Part 240. These include providing flexibility to the pass, fail, and reject criteria for OBD testing.

B) Statutory Authority: Implementing Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The IEPA anticipates filing a rulemaking proposal with the Board in the summer or fall of 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 - 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the summer or fall of 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect any small business,

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small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.

F) Agency contact person for information:

Christopher Demeroukas
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

G) Related rulemakings and other pertinent information: The IEPA anticipates filing a proposed rulemaking revising 35 Ill. Adm. Code 276 concerning OBD testing procedures in the summer or fall of 2001.

J) Part(s) (Heading and Code Citation): Procedures To Be Followed In The Performance Of Inspections Of Motor Vehicle Emissions (35 Ill. Adm. Code 276)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) and its vehicle emissions test contractor began enhanced vehicle inspection and maintenance (Enhanced I/M) testing under the Enhanced I/M test program in early 1999, as required by the federal Clean Air Act [42 USC 7401 et seq.] and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-1 et seq.]. The United States Environmental Protection Agency has issued regulations concerning one component of that test, the testing of "on-board diagnostic" (OBD) equipment of most model year 1996 and newer vehicles at 66 FR 18156 (April 5, 2001). The IEPA is proposing to incorporate several elements of that rulemaking in Part 276. These include providing flexibility to the pass, fail, and reject criteria for OBD testing.

B) Statutory Authority: Implementing Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The IEPA anticipates filing a rulemaking proposal in the summer or fall of 2001. No meetings or hearings are scheduled at this time.

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D) Date agency anticipates First Notice: The IEPA anticipates causing a Notice of Proposed Amendments to appear in the *Illinois Register* in the summer or fall of 2001

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.

F) Agency contact person for information:

Christopher Demeroukas
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

G) Related rulemakings and other pertinent information: The IEPA anticipates filing a proposed rulemaking revising 35 Ill. Adm. Code 240 concerning OBD testing standards with the Illinois Pollution Control Board in the summer or fall of 2001.

k) Part(s) (Heading and Code Citation): Alternative Compliance Market Account Procedures 35 Ill. Adm. Code 259

1) Rulemaking: No docket presently reserved

A) Description: The proposed rule would establish procedures for the Illinois EPA to administer funds collected into the alternative compliance market account (ACMA) fund, which is used under the emissions reduction market system (ERMS) (35 Ill. Adm. Code 205).

B) Statutory Authority: Authorized by Sections 4(k) and 9.8(e) of the Environmental Protection Act [415 ILCS 5/4(k) and 9.8(e)].

C) Scheduled meeting/hearings dates: Fall 2001

D) Date agency anticipates First Notice: Fall 2001

E) Affect on small business, small municipalities or not for profit corporations: This rule would provide procedural requirements for the Agency to implement its administration of the ACMA fund. Any small businesses, small municipalities, or not-for-profit corporations that are located in the Northeastern Illinois ozone

ENVIRONMENTAL PROTECTION AGENCY

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non-attainment area and subject to ERMS would need to abide by the procedures adopted in the rule if the source accessed the ACMA.

F) Agency contact person for information:

Bonnie Sawyer
Illinois Environmental
Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
217/782-5544

G) Related Rulemaking and other pertinent information: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JUNE, 20001

a) Part(s) Heading and Code Citation: Low-Income Housing Tax Credit Allocation 47 Ill. Adm. Code 350

1) Rulemaking:

A) Description: Amends rules to bring them into conformity with the Illinois Housing Development Authority's Tax Credit Allocation Plan and Section 42 of the Internal Revenue Code (26 U.S.C., Section 42).

B) Statutory Authority: Sections 3805/7.24 of the Illinois Housing Development Act.

C) Schedule meeting/hearing date: September, 2001

D) Date agency anticipates First Notice: October, 2001.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Richard B. Muller, Esq.
Illinois Housing Development Authority
Address: 401 N. Michigan Ave., Ste. 900
Chicago, IL 60611
Telephone: (312) 836-5200

G) Related rulemakings and other pertinent information: None

b) Part(s) Heading and Code Citation: Affordable Housing Tax Credit Program 47 Ill. Adm Code 351

1) Rulemaking:

A) Description: Amend various sections to conform with updated guidelines.

B) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].

C) Schedule meeting/hearing date: August, 2001.

D) Date agency anticipates First Notice: September, 2001.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JUNE, 20001

F) Agency contact person for information:

Name: Richard B. Muller Esq.
 Illinois Housing Development Authority
 Address: 401 N. Michigan Ave., Ste. 900
 Chicago, IL 60611
 Telephone: (312) 836-5327

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF INSURANCE

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a) Part(s) (Heading and Code Citation): Workers Compensation Pools, 50 Ill. Adm. Code 575

1) Rulemaking:

A) Description: The purpose of this new rule will be to set standards for the establishment, operation and administration of workers' compensation pools, administrators, and services companies authorized by the Workers' Compensation Pool Law. In addition, the Department will include annual and quarterly financial statement requirements based on NAIC accounting practices and procedures.

B) Statutory Authority: This Part will be promulgated by the Director of Insurance pursuant to Section 107a.09 of the Workers' Compensation Pool Law [215 ILCS 5/Art V3/4] and is further authorized by Sections 187 and 401 of the Illinois Insurance Code [215 ILCS 5/187 and 401].

C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Fall 2001

E) Affect on small businesses, small municipalities or not for profit corporations: This new rule will affect qualified group workers' compensation pools, as that term is defined in Section 107a.05 of the Workers' Compensation Pool Law. Pursuant to Section 107a.03, this rule will not apply to the State of Illinois, a unit of local government or school district, or association or instrumentality thereof, or an intergovernmental risk management association, self-insurance pool or self-administered health and accident cooperative or pool.

F) Agency contact person for information:

Etta Mae Credi
 Illinois Department of Insurance
 320 West Washington Street
 Fourth Floor
 Springfield, Illinois 62767-0001
 217/782-1757
 Tom Ratsch
 Illinois Department of Insurance
 320 West Washington Street
 Fourth Floor
 Springfield, Illinois 62767-0001
 217/782-5202

G) Related rulemakings and other pertinent information: None at this

DEPARTMENT OF INSURANCE

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time.

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- a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.

1) Rulemaking:

- A) Description: Part 1 will be amended to provide a list of coursework required for endorsement in "self-contained general education".

- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6.

- C) Scheduled meeting/hearing date: To be announced

- D) Date agency anticipates First Notice: July 13, 2001

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Name: Sally Vogl

Agency Rules Coordinator

Address: Illinois State Board of Education

100 North First Street

Springfield, Illinois 62777

Telephone: (217) 782-3950

- G) Related rulemakings and other pertinent information: See item (d) below.

- b) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.

1) Rulemaking:

- A) Description: Part 1 will be amended to provide a reference to a new rule to be inserted into Part 25 regarding certification in foreign languages for native speakers.

- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6.

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: September 21, 2001.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

STATE BOARD OF EDUCATION

JULY 2001 REGULATORY AGENDA

Name: Sally Vogl
 Agency Rules Coordinator
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 782-3950

- G) Related rulemakings and other pertinent information: See item (e) below.

- c) Part(s) (Heading and Code Citation): Standards for All Illinois Teachers; 23 Ill. Adm. Code 24 (new).

1) Rulemaking:

- A) Description: New rules will be promulgated to set forth the Illinois Professional Teaching Standards, as well as a common core of language arts standards and a common core of technology standards for all Illinois teachers.

- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6.

- C) Scheduled meeting/hearing date: To be announced

- D) Date agency anticipates First Notice: September 21, 2000.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Name: Sally Vogl
 Agency Rules Coordinator
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 782-3950

- G) Related rulemakings and other pertinent information: See items (f), (g), and (h) below.

- d) Part(s) (Heading and Code Citation): Certification; 23 Ill. Adm. Code 25.

1) Rulemaking:

- A) Description: Part 25 will be amended in several respects. The availability of an endorsement in "self-contained general education" will be established; the basis for

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calculation of certificate registration fees will be stated; technical updates will be inserted into the rules for the Illinois Certification Testing System; changes will be made in the requirements for certification in transition bilingual education; and several obsolete provisions will be repealed.

- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6.

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: July 13, 2001.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Name: Sally Vogl
 Agency Rules Coordinator
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 782-3950

- G) Related rulemakings and other pertinent information: A corresponding amendment will be needed in Part 1; see item (a) above.

- e) Part(s) (Heading and Code Citation): Certification; 23 Ill. Adm. Code 25.

1) Rulemaking:

- A) Description: Part 25 will be amended to provide for certification in foreign languages for native speakers. At this time, existing provisions for the approval of teacher preparation programs will also be updated, as announced in an earlier Regulatory Agenda.

- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6.

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: September 21, 2001.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

STATE BOARD OF EDUCATION

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F) Agency contact person for information:

Name: Sally Vogl
 Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information: A corresponding amendment will be needed in Part 1; see item (b) above.f) Part(s) (Heading and Code Citation): Standards for Certification in Early Childhood Education and in Elementary Education; 23 Ill. Adm. Code 26 (new).1) Rulemaking:A) Description: New rules will be promulgated to establish standards for the receipt of early childhood and elementary teaching certificates.B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3-6.C) Scheduled meeting/hearing date: To be announced.D) Date agency anticipates First Notice: September 21, 2001.E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.F) Agency contact person for information:

Name: Sally Vogl
 Agency Rules Coordinator
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information: See items (c), (g), and (h).g) Part(s) (Heading and Code Citation): Standards for Certification in Specific Teaching Fields; 23 Ill. Adm. Code 27 (new).1) Rulemaking:A) Description: New rules will be promulgated to establish

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standards for the receipt of teaching certificates in individual subject areas.

B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3-6.C) Scheduled meeting/hearing date: To be announced.D) Date agency anticipates First Notice: September 21, 2001.E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.F) Agency contact person for information:

Name: Sally Vogl
 Agency Rules Coordinator
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information: See items (c), (f), and (h).h) Part(s) (Heading and Code Citation): Standards for Administrative Certification; 23 Ill. Adm. Code 29 (new).1) Rulemaking:A) Description: New rules will be promulgated to establish standards for the receipt of administrative certificates.B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3-6.C) Scheduled meeting/hearing date: To be announcedD) Date agency anticipates First Notice: September 21, 2001E) Effect on small businesses, small municipalities, or not-for-profit corporations: NoneF) Agency contact person for information:

Name: Sally Vogl
 Agency Rules Coordinator
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 Telephone: (217) 782-3950

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- G) Related rulemakings and other pertinent information: See items (c), (f), and (g) above.

i) Part(s) (Heading and Code Citation): Truants' Alternative and Optional Education Programs; 23 Ill. Adm. Code 205.

1) Rulemaking:

- A) Description: Part 205 will be amended to update requirements for the submission of budget amendments for the agency's approval.

B) Statutory Authority: 105 ILCS 5/2-3.66.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: September 21, 2001.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information: See items (j), (k), (l), (m), and (n) below.

j) Part(s) (Heading and Code Citation): Scientific Literacy; 23 Ill. Adm. Code 220.

1) Rulemaking:

- A) Description: Part 220 will be amended to update requirements for the submission of budget amendments for the agency's approval, as well as to note the eligibility of charter schools and public university laboratory schools for this program.

B) Statutory Authority: 105 ILCS 5/2-3.94.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: September 21, 2001.

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- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information: See items (i), (k), (l), (m), and (n).

k) Part(s) (Heading and Code Citation): Alcohol and Drug Education Initiative; 23 Ill. Adm. Code 225.

1) Rulemaking:

- A) Description: Part 225 will be amended to update the grant period and requirements for the submission of budget amendments for the agency's approval, as well as to note the eligibility of charter schools and public university laboratory schools for this program.

B) Statutory Authority: 105 ILCS 5/2-3.93.

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: September 21, 2001.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information: See items (i), (j), (l), (m), and (n).

l) Part(s) (Heading and Code Citation): Preschool Educational and Coordinated Model Preschool Educational Programs; 23 Ill. Adm. Code 235.

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1) Rulemaking:

A) Description: Part 235 will be amended to update the grant period and requirements for the submission of budget amendments for the agency's approval.

B) Statutory Authority: 105 ILCS 5/2-3.71.

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: September 21, 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information: See items (i), (j), (k), (m), and (n).

m) Part(s) (Heading and Code Citation): Urban Education Partnership Programs; 23 Ill. Adm. Code 245.

1) Rulemaking:

A) Description: Part 245 will be amended to update requirements for the submission of budget amendments for the agency's approval.

B) Statutory Authority: 105 ILCS 5/2-3.106.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: September 21, 2001.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education

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100 North First Street
Springfield, Illinois 62777

Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information: See items (i), (j), (k), (l), and (n).

n) Part(s) (Heading and Code Citation): School Technology Program; 23 Ill. Adm. Code 575.

1) Rulemaking:

A) Description: Part 575 will be amended to update requirements for the submission of budget amendments for the agency's approval, as well as to indicate the eligibility of charter schools and public university laboratory schools under this program.

B) Statutory Authority: 105 ILCS 5/2-3.117 and 2-3.117a.

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: September 21, 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3950

G) Related rulemakings and other pertinent information: See items (i), (j), (k), (l), and (m) above.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JULY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

- A) Description: The Teachers' Retirement System ("System") anticipates amending and adding rules in order to clarify issues concerning the 2.2 Upgrade and Payroll Deduction Program.
- B) Statutory Authority: Implementing and authorized by Article 1 and Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].
- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.
- D) Date agency anticipates First Notice: Unknown.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Thomas S. Gray, Assistant General Counsel
 Address: Teachers' Retirement System
 2815 West Washington, P.O. Box 19253
 Springfield, Illinois 62794-9253
 Telephone: (217) 753-0375

- G) Related rulemakings and other pertinent information: The System has no current rulemaking in progress.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 27, 2001 through July 2, 2001 and have been scheduled for review by the Committee at its August 7, 2001 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/8/01	Department of Children and Family Services, Reports of Child Abuse and Neglect (89 Ill Adm Code 300)	3/2/01 25 Ill Reg 3069	8/7/01
8/9/01	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	4/20/01 25 Ill Reg 5600	8/7/01
8/9/01	Office of the Comptroller, Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 Ill Adm Code 330)	4/27/01 25 Ill Reg 5690	8/7/01
8/10/01	Department of State Police Merit Board, Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150)	5/11/01 25 Ill Reg 6130	8/7/01
8/11/01	Department of Professional Regulation, Mail Order Contact Lens Act (68 Ill Adm Code 1215)	9/1/00 24 Ill Reg 13188	8/7/01
8/15/01	Procurement Policy Board, General Policies (2 Ill Adm Code 3002)	4/20/01 25 Ill Reg 5597	8/7/01

